
RULES.

COPIES OF TWO ORDERS IN COUNCIL, DATED 30TH JANUARY, 1899,
MAKING RULES UNDER THE ACT.

PRESENTED IN PURSUANCE OF ACT
(61 & 62 Vict., Cap. 37, Sec. 107).

(*Mr. GERALD BALFOUR.*)

Ordered, by THE HOUSE OF COMMONS, to be printed
9 February, 1899.

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1899.

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THE LOCAL GOVERNMENT (ADAPTATION OF IRISH ENACTMENTS) ORDER, 1899.

By the Lord Lieutenant and Privy Council of Ireland.

CADOGAN.

WHEREAS it is enacted by section one hundred and five of the Local Government (Ireland) Act, 1898, that the Lord Lieutenant by Order in Council may make such adaptations of the Irish enactments specified in the Fifth Schedule to that Act or any other enactments affected by that Act as appear to him necessary or expedient to carry into effect that Act or any Order in Council made thereunder; and for that purpose may modify the provisions in the Valuation Acts as to dates and mode of procedure, and as to levying a rate pending an appeal:

And whereas it appears to us necessary and expedient to make the adaptations set out in this Order of the enactments therein appearing, being enactments referred to in the said section one hundred and five:

Now, therefore, we, the Lord Lieutenant-General and General Governor of Ireland, by and with the advice and consent of Her Majesty's Privy Council in Ireland in pursuance and by virtue of the powers vested in us for that purpose as aforesaid, and of all other powers enabling us in that behalf, do hereby order as follows:—

1.—(1.) The expression "the Act" in this Order shall mean the Local Government (Ireland) Act, 1898.

(2.) Expressions in this Order shall, unless the context otherwise requires, have the same meaning as in the Act.

(3.) The Interpretation Act, 1898, shall apply for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Each of the enactments in the Grand Juries Acts in the Schedule to this Order is hereby adapted in the manner and to the extent necessary for the purpose of being read as set out in the said Schedule.

3. In the Irish enactments specified in the Fifth Schedule to the Act, and in any other enactments affected by the Act, exclusive of the enactments set out in the Schedule to this Order, the following adaptations shall, save where inconsistent with the Act or any other provision in this Order or any other Order in Council made under the Act, be made, as respects anything done after the appointed day, in relation to business transferred by the Act to county or district councils:—

- (1.) For "county of a city" and "county of a town" respectively there shall be substituted "county borough."
- (2.) For "barony" there shall be substituted "county district."
- (3.) For "grand jury" there shall be substituted "county council."

(4.) For "assize" and "presentment term" respectively there shall be substituted "quarterly meeting of a county council": Provided that this substitution shall not increase the amount which may be expended in any year for any purpose.

(5.) For "presentment sessions," "presenting sessions," and "sessions," respectively, there shall be substituted in the case of a county at large—

(a.) as respects baronial presentment sessions, a quarterly meeting of the rural district council or an adjournment thereof; and

(b.) as respects county at large presentment sessions, a quarterly meeting of a proposal committee of the county council; and

in the case of a county borough or urban district, a quarterly meeting of a proposal committee of the council of the borough or urban district.

(6.) For "presentment" there shall be substituted—

(a.) as respects a county at large—

(i.) if the expression refers to anything done by baronial presentment sessions, then a proposal to the county council by the rural district council; and

(ii.) if the expression refers to anything done by county at large presentment sessions, then a proposal by a proposal committee of the county council; and

(iii.) if the expression refers to anything done by the grand jury, then a resolution of the county council approving any such proposal as above mentioned, or in the case of a presentment which under any enactment may be or is required to be made without an application to presentment sessions, then a resolution of the county council ordering the execution of any work or the payment of any money;

(b.) as respects a county borough or urban district—

(i.) if the expression refers to anything done by presentment sessions, then a proposal by a proposal committee of the council of the borough or district; and

(ii.) if the expression refers to anything done by a grand jury, then a resolution of such council approving the proposal, or in the case of a presentment which under any enactment may be or is required to be made without an application to presentment sessions, then a resolution ordering the execution of any work or the payment of any money.

(7.) The expression "present" and other terms referring to presentment shall be construed in accordance with the foregoing provisions with respect to presentment.

(8.) For "foreman of the grand jury" there shall be substituted "mayor" or "chairman of the county or district council," as the case requires.

(9.) For "secretary of the grand jury" there shall be substituted "secretary of the county council," or in the case of a county borough or other urban district "town clerk of the borough" or "clerk of the council of the district," as the case requires.

(10.) For "barrow constable" or "collector of grand jury cess" and other terms relating to such constables or collectors, there shall be substituted "poor rate collector."

(11.) For "county cess" and "grand jury cess" respectively there shall be substituted "poor rate."

(12.) Any reference to a "road authority" or "an authority by whom roads are repairable," or to an authority having similar powers or duties, shall in its application to a rural district, or (in the case of a road the expenses of repairing which are leviable partly off an urban district and partly off a county at large), to an urban district, be construed—

(a.) so far as regards any consent or appeal, as a reference to the council of the county comprising the district; and

(b.) so far as regards any other powers and duties, as a reference to the district council and to the council of the county comprising the district, according to their respective powers.

(13.) The expression "rate" includes any sum which though obtained in the first instance by a demand upon a county council or district council or other body is, or can be, ultimately raised out of a rate.

(14.) (a.) Where, in the event of a grand jury at any assizes neglecting or refusing to present any money, any enactment authorising or requiring a judge of assize, at those assizes only, to make an order directing the assize, which ought to have been so presented, to be raised and levied, the order may be made upon a county or district council at the next practicable assizes (not being winter assizes) held not less than fifteen days after the quarterly meeting at which any such council so neglect or refuse.

(b.) Where any enactment authorising or requiring a court to make a like order at a presenting term, the order may be made during any of the thirty days next after the said quarterly meeting on which an application for the order can be made to the court.

4. In section fourteenth of the Municipal Corporations (Ireland) Act, 1840, "the local government electors thereof" shall be substituted for "such of the inhabitants thereof as shall be rated to the relief of the destitute poor under the Act for the relief of the destitute poor in Ireland."

5. In section thirty of the Municipal Corporations (Ireland) Act, 1840, "under the Act" shall be substituted for "as herein-after mentioned" and "of the Act" for "hereinafter contained."

6. So much of section forty-eight of the Municipal Corporations (Ireland) Act, 1840, as applies to a burghs shall be construed with the substitution of "the provisions of the Act" for "the provisions of this Act."

7. In section fifty-two of the Municipal Corporations (Ireland) Act, 1840, for "appointed by this Act" there shall be substituted "appointed by the Act."

8. In section fifty-seven of the Municipal Corporations (Ireland) Act, 1840, after "at the time" there shall be inserted "mentioned in the Act" and for "herein-after mentioned," where those words secondly occur, there shall be substituted "provided by the Act or any Order in Council thereunder."

9. In section fifty-nine of the Municipal Corporations (Ireland) Act, 1840, for "provisions of this Act" there shall be substituted "provisions of the Act."

10. In section sixty-one of the Municipal Corporations (Ireland) Act, 1840, for "twenty-fifth day of October" there shall be substituted "sixteenth day of January"; and for "this Act," wherever those words occur, there shall be substituted "the Act."

11. In section eighty-one of the Municipal Corporations (Ireland) Act, 1840, for "herein" there shall be substituted "by any Order in Council under the Act."

12. In section eighty-three of the Municipal Corporations (Ireland) Act, 1840, for "first day of November" there shall be substituted "twenty-third day of January."

13. In section eighty-five of the Municipal Corporations (Ireland) Act, 1840, after "provisions of this Act" there shall be inserted, "or of the Act or of any Order in Council thereunder."

14. In section eighty-six of the Municipal Corporations (Ireland) Act, 1840, for "hereinafter," where that expression secondly occurs there shall be substituted "provided by the Act or any Order in Council thereunder."

15. In the Towns Improvement (Ireland) Act, 1854, "householder" shall mean a local government elector registered in respect of a qualification in the town, in substitution for the definition contained in section one of that Act.

16. In section seven of the Towns Improvement (Ireland) Act, 1854, "the local government electors registered in respect of qualifications within the town" shall be substituted for "such persons as next hereinafter mentioned."

17. In section twenty-one of the Towns Improvement (Ireland) Act, 1854, "hold an election of commissioners" shall be substituted for "convene a meeting of the rated occupiers."

18. In section twenty-three of the Towns Improvement (Ireland) Act, 1854, "the sixteenth day of January" shall be substituted for "the fifteenth day of October," wherever those words occur, and "provided by the Act or any Order in Council thereunder" shall be substituted for "hereinafter prescribed."

19. In section sixty-one of the Towns Improvement (Ireland) Act, 1854, "clerk of the county council" shall be substituted for "clerk of the union."
20. The form in Schedule A to the Towns Improvement (Ireland) Act, 1854, shall be adapted so as to run as follows:—
- City [or Town] of _____ Notice is hereby given, that in virtue of the powers contained in the Towns Improvement (Ireland) Act, 1854, and by the order of the Lord Lieutenant in that behalf, bearing date the _____ day of _____, the local government electors registered in respect of qualifications in the city [or town] of _____ [or where the boundaries have been ascertained by the Lord Lieutenant's Order under this Act] within the boundaries following, namely [repeat them as in the said Order], are hereby required to meet upon the _____ day of _____ next at _____ of the clock, within [state exact place of meeting], when the said Act shall be laid before the meeting with a view to adopting it in whole or in part.
- Dated at _____ the _____ day of _____ 18 _____
- (Signed), E.P.,
- Chief Magistrate [or] Justice [as the case may be.]
21. In section three of the Coroners (Ireland) Act, 1846, "county council of any county" shall be substituted for "justices of the peace of any such county"; "any quarterly meeting" for "such sessions"; "county council" for "Justices," wherever that expression occurs; and "clerk of the county council" for "clerk of the peace" wherever that expression occurs.
22. In section four of the Coroners (Ireland) Act, 1846, "county council" shall be substituted for "justices of the peace"; "any quarterly meeting" for "such sessions"; "may" for "shall thereupon"; and "clerk of the county council" for "clerk of the peace."
23. In section five of the Coroners (Ireland) Act, 1846, "county council" shall be substituted for "justices of the peace."
24. In section six of the Coroners (Ireland) Act, 1846, for "order a writ de coronatore eligendo to be issued" there shall be substituted "order the county council to appoint a coroner."
25. In section eighteen of the Coroners (Ireland) Act, 1846, "any coroner" shall be substituted for "such coroner."
26. In section forty-nine of the Coroners (Ireland) Act, 1846, "treasurer" shall be substituted for "Finance committee."
27. In section five of the Tramways (Ireland) Act, 1860, for "summer assizes" there shall be substituted "first quarterly meeting of the county council held after the twelfth day of May."
28. In section thirty-eight of the Tramways (Ireland) Act, 1860, for "summer and spring assizes" there shall be substituted "quarterly meetings of the council."
29. In section forty-nine of the Tramways (Ireland) Act, 1860, for "assizes are held" there shall be substituted "county councils are elected."
30. In section three of the Tramways (Ireland) Amendment Act, 1861, for "spring or summer assizes" there shall be substituted "third or first quarterly meeting of the county council held next after the twelfth day of May in any year."
31. In section four of the Tramways (Ireland) Amendment Act, 1861, for "spring assizes" there shall be substituted "said third quarterly meeting"; for "in the months of November and December or either of these immediately preceding" there shall be substituted "at least two months before the said quarterly meeting"; for "on or before the first and twelfth day of December respectively" there shall be substituted "at least one month before the said quarterly meeting"; and for "on or before the second day of December" there shall be substituted "at least one month before the said meeting."
32. In section seven of the Public Health Act, 1878, the words "as amended by the provisions of the Act" shall be inserted after "this Act" wherever those words occur.
33. In section one hundred and fifty of the Public Health Act, 1878, for "union" there shall be substituted "urban or rural district" as the case requires.
34. In section one hundred and fifty-one of the Public Health Act, 1878, for "boards of guardians of any union" there shall be substituted "district council of any urban or rural district."
35. In section one hundred and fifty-three of the Public Health Act, 1878, for "boards of guardians" there shall be substituted "district councils."
36. In section two hundred and thirty-four of the Public Health Act, 1878, "rural district" shall be substituted for "union."
37. The following adaptations and modifications as to dates and mode of procedure and as to keeping a rate pending an appeal, shall be made of the Valuation Acts:—
- (a.) The county council, so far as regards tenements and hereditaments situated in their county and not in an urban district, and the urban district council, so far as regards tenements and hereditaments situated within their district, shall be substituted for the board of guardians, and the county or the urban district, as the case may be, shall be substituted for the union, except that in section four of the Valuation (Ireland) Act, 1834, a ratepayer within any part of the county (including any urban county district in the county) shall be substituted for a ratepayer within any poor law union.
- (b.) The secretary of the county council or the clerk of the urban district council, as the case requires, shall be substituted for the clerk of the union by whatever name he is described, and a reference to the offices of the county or urban district council, as the case may be, shall be substituted for a reference to the workhouse of the union.

- (c.) References to the treasurer of the county and, so far as respects a town which is an urban district, to the town council of a city or borough, or town, shall cease to have effect.
- (d.) The fifteenth and twenty-seventh days of June shall be substituted for the fifteenth and twenty-seventh days of November as the days by which the lists of tenements and hereditaments requiring revision are to be made out and transmitted to the Commissioner of Valuation: but if the secretary of the county council or the clerk of the urban district council, before the date at which the revision of the valuation of their county or district is begun, gives notice to the Commissioner of Valuation of any tenements or hereditaments the valuation of which requires revision, the Commissioner of Valuation may proceed with the revision of the valuation of those tenements or hereditaments as if they were included in lists made out and transmitted by the above-mentioned dates.
- (e.) Any list or notice of tenements and hereditaments requiring revision shall be made out or given in the form prescribed by the Commissioner of Valuation, and he shall supply forms for the purpose.
- (f.) The first day of March, or in the year one thousand eight hundred and ninety-nine the first day of May, shall be the day by which the revision of tenements and hereditaments requiring revision is to be completed, and a copy of the revised list transmitted to the secretary of the county council or the clerk of the urban district council, as the case may be, by the Commissioner of Valuation.
- (g.) The Commissioner of Valuation shall, when he transmits the copy of the revised list relating to any urban district to the urban district council, transmit also to the council of the county in which the urban district (if not a county borough) is situate a statement of the total of the revised valuation of the said district.
- (h.) The Commissioner of Valuation, when he transmits the copy of the revised list to any county council, shall send also a statement for each rural district of any changes made by such revised list in the valuation of any tenement or hereditament in the district, and the secretary of the county council shall leave the copy of the revised list open for public inspection at the office of the county council as provided by section eighteen of the Valuation (Ireland) Act, 1852, as adapted by this Order, and shall, within three days after receiving the said statement transmit it to the clerk of the council of the rural district, together with a sufficient number of copies of the following notice of publication.
- (i.) The notice of publication shall be a notice in the form (if any) prescribed by the Commissioner of Valuation, and shall state as respects the revised list the particulars required by the said section eighteen, and as respects the statement that it may be inspected and extracts therefrom taken at the office of the rural district council at all reasonable hours during twenty-one days next after the publication of the notice.
- (j.) The Clerk of the rural district council shall within three days after the receipt of the statement and notices cause one of such notices to be affixed on or near the principal outer door of every church, chapel, and meeting-house (if any) within the district, and shall deposit the statement at the offices of the council, and permit the same to be inspected and extracts therefrom to be taken during the period mentioned in the notice.
- (k.) The four last preceding paragraphs marked (g), (h), (i), and (j) shall apply with the necessary modifications to the appeal list, that is to say, the list transmitted by the Commissioner of Valuation in pursuance of section 24, ^{if it is not} twenty-one of the Valuation (Ireland) Act, 1852.
- (l.) For the Finance Committee of the county of Dublin the county council of that county shall be substituted.
- (m.) The revised list of tenements and hereditaments shall be made out by the Commissioner of Valuation in rural county districts, according to townlands, and in county boroughs and urban county districts according to townlands, district electoral divisions, or wards, and in each case not according to any other area, but shall be put together by him so as to form lists for each administrative county, and for each county district, and for each union or part of a union situated within an administrative county, and also (if the county or urban district council require him in writing for the purpose of levying any special rate) for any area off which the special rate is to be levied; and the forms of valuation lists shall be modified so as to give effect to this provision; and where the Local Government Board, in the exercise of any of the powers mentioned in sub-section six of section sixty-eight of the Act, divide a townland, each part of the townland so divided shall be treated for the purposes of this provision as a separate townland; and where part of a district electoral division is within and part is without a ward, each such part shall be treated for the purpose of this provision as a separate electoral division or separate ward, as the case may require.
- (n.) The county and urban district council shall make any rate made by them after the first day of March in any year, or in the year one thousand eight hundred and ninety-nine after the first day of April, according to the revised list required as above mentioned to be sent to them by the Commissioner of Valuation by the said first day of March, or in the year one thousand eight hundred and ninety-nine by the first day of May, and may levy and recover any sum due on account of any rate so made, notwithstanding any pending appeal or any notice of appeal with respect to valuation; but where the valuation of any tenement or hereditament is altered on appeal, the Council shall, if the valuation is decreased, repay any

sum paid in respect of the rate in excess of the sum which would have been payable if the valuation had originally stood as altered on appeal, and if the valuation is increased, may levy the rate on the amount of the increase.

- (a.) The Commissioner of Valuation shall make such adjustment of the sums payable in accordance with the Schedule to the Valuation (Ireland) Amendment Act, 1874, in respect of the annual revision of the valuation lists, as is rendered necessary by the formation of county boroughs under the Act, or by any alteration of the boundaries of counties made for the purpose of forming the first administrative counties under the Act, and any sums determined as payable under that adjustment shall, so far as respects the rates and county boroughs affected by the adjustment be payable under the said Act of 1874, as if they were set out in the Schedule thereto in substitution for the corresponding sums specified in that Schedule.

The Commissioner of Valuation shall make his adjustment under this provision in proportion to the rateable value of the altered areas.

- (p.) All sums payable under the Valuation (Ireland) Amendment Act, 1874, either originally or under an amendment made by the said adjustment, shall be paid in accordance with that Act, but by equal instalments on the first day of April and the first day of October in each year, the first payments to be made on or before the first day of October, one thousand eight hundred and ninety-nine.

38.—(1.) The accounts of the receipts and expenses of every county and district council and their committees and officers, and of the receipts and payments of the councils of towns which are not urban districts, shall be made up yearly to the thirty-first day of March in every year, or in the case of accounts which are required to be audited half-yearly, then half-yearly to the thirtieth day of September and the thirty-first day of March in each year.

(2.) In section one hundred and thirty-seven of the Municipal Corporations (Ireland) Act, 1840, "the expiration of fourteen days after the receipt of the copy of the report of the auditor" shall be substituted for "the first day of February in each year," and "the preceding thirty-first day of March" shall be substituted for "the audit next before the first day of January of the year in which such account is hereby required to be so transmitted."

(3.) In section ninety of the Commissioners of the Towns Improvement (Ireland) Act, 1854, as incorporated by section sixty-eight of the Towns Improvement (Ireland) Act, 1854, "the thirty-first day of March" shall be substituted for "a period not less than one month before the annual general meeting at which they are to be produced as after mentioned," and "within one month from that date" shall be substituted for "fourteen days at least before each meeting," and "the audit" shall be substituted for "so the meeting for examining and settling such account"; and in section ninety-one of the said Act of 1847 as so incorporated "a meeting of the commissioners held not less

than fourteen days next after the audit" shall be substituted for "the annual meeting of the commissioners."

(4.) Every enactment in a local and personal Act (including a provisional order confirmed by an Act and the Act confirming the order) which contains any provision with respect to the accounts of any council or the audit thereof, or to the returns touching the receipts or expenditure, or to meetings at which accounts are to be produced or presented, or to other matters relating to accounts, shall be adapted so far as is necessary for bringing it into accordance with the foregoing provisions of this Article.

39. The provisions of section eighty of the Act (relating to imperative presentments) shall be substituted for the following provision of section thirty-seven of the Constabulary (Ireland) Act, 1836, namely, "it shall not be lawful for the court at any assizes or presenting term to sit any presentment for raising any other money until such presentment for such expenses be first made and allowed."

40. In the Income Tax Act, 1853, for "board of guardians" respectively there shall be substituted "county council" for "poor law union" and "union" respectively there shall be substituted "administrative county"; for "rates made for the relief of the poor" there shall be substituted "poor rates"; and for "Collector-General of rates" there shall be substituted "town clerk."

41. In section five of the Income Tax Act, 1854, for "Collector of General Rates" there shall be substituted "town clerk"; and for "rates made for the relief of the poor" there shall be substituted "poor rates."

42. In section seven of the Destructive Insects Act, 1877, for "poor law union" there shall be substituted "administrative county."

43. In section ten of the County Treasurers (Ireland) Act, 1867, "county council" shall be substituted for "secretary of the grand jury."

44. In section three of the Irish Loans Act, 1850, for "one justice by ballot among the justices and one constable by ballot from among the associated constables constituting such sessions" there shall be substituted "two members of the district council," for "justice and constable" and "justice or constable" respectively there shall be substituted "member," and for "justices or associated constables" there shall be substituted "members of the district council."

45. In the Diseases of Animals Act, 1894, "administrative county" shall be substituted for "poor law union" and "county district" for "electoral division."

46. This Order may be cited as the Local Government (Adaptation of Irish Enactments) Order, 1898.

Given at the Council Chamber, Dublin Castle, this 30th day of January, 1898.

Ashbourne, C.	Morris.
William O'Brien.	John Atkinson.
Ed. Martin.	W. J. Pirrie.

SCHEDULE.

ENACTMENTS IN GRAND JURIES ACTS.

THE GRAND JURY (IRELAND) ACT,
1832.

3 & 4 WILL. 4. c. 78.

*An Act to amend the law relating to grand
juries in Ireland.*

[28th August, 1832.]

81. In case any person or persons shall assault any surveyor or deputy surveyor, collector, assessor, overseer, contractor or peace officer in the execution of any Act for the making or repairing of high roads, or shall make or attempt to make any removal of goods distrained or seized by virtue of any such Act, every such person offending therein, and being convicted thereof before any two justices of the peace at petty sessions, by the oath of one credible witness, shall for every such offence forfeit any sum not exceeding ten pounds nor less than forty shillings, at the discretion of such justices; and in case the same shall not be paid, such justices are hereby empowered and required to commit such offender to any goal or bridewell for any time not exceeding three months, or until the said forfeiture shall be paid.

THE GRAND JURY (IRELAND) ACT,
1836.

6 & 7 WILL. 4. c. 116.

*An Act to consolidate and amend the laws relating
to the preservation of public peace by grand
juries in Ireland.* [30th August, 1836.]

1. It shall not be lawful for the council of any county or county borough, as respects the business transferred to them from the grand jury or presentment sessions, at any meeting to pass any resolution (save and except in any cases specially reserved and excepted) for the execution of any public work whatsoever, or for raising any money, unless under the authority and by virtue of the provisions of the Local Government (Ireland) Act, 1835 (herein referred to as the Act), or any Order in Council made thereunder.

3. In this Act, unless the context otherwise requires, the expression "district" means a county district, the expression "county" means an administrative county whether a county at large or a county borough, and other expressions have the same meaning as in the Act; and words importing the masculine gender include females, and words in the singular include the plural, and words in the plural include the singular.

29. Every sheriff, immediately on receiving the precept appointing the day for opening the commission at the next spring or summer assizes in his bailiwick, is hereby authorised and required, in manner heretofore practised according to law for summoning persons to serve on grand juries in Ireland, to summon and return a sufficient number of persons, qualified according to law to serve as grand jurors in Ireland, to attend at the usual place of holding assizes upon the day appointed for opening the commission; and the persons so to be summoned are hereby required to come and appear agreeably to the exigency of said summons, under the penalties and subject to like forfeiture of issues as persons here-

before summoned to appear and serve on grand juries at any assizes throughout Ireland, and to serve, under and subject to the like penalties and liabilities, until discharged from such attendance in due course of law; and on the day appointed for such attendance such sheriff shall attend with his sub-sheriff and assistants, and shall, or in the necessary absence of the sheriff the under sheriff shall, proceed to impanel the said grand jury in all respects, so far as may be possible, and with like solemnities, as heretofore practised according to the law for the impanelling of grand juries at the several assizes in Ireland.

31. The sheriff of each county shall in framing the panel of persons summoned to serve on the grand jury of such county at each assizes observe the rule hereinafter following; (that is to say,) he shall place first on such panel for each barony or half barony in such county (if there shall be ten or more baronies or half baronies therein) the name of some person having in such barony or half barony freehold lands of the yearly value of fifty pounds and upwards, or leasehold lands of the yearly value of one hundred pounds over and above the amount of rent payable out of or for such leasehold lands; so that as far as can be one fit and competent person having lands of the value aforesaid, and resident in such barony, if the same can be found therein respectively, shall be placed upon such panel; and having in such manner selected such one fit and proper person for each barony and half barony, or so many as he can so select, the sheriff shall complete the said panel in such manner as now by law authorized and directed; and the persons taken from the panel so framed shall be and constitute the grand jury or inquest of such county, any thing in any writ, precept, or venire facias expressed or directed, or any law, statute, usage, or custom, to the contrary notwithstanding, and as if such grand jury were altogether composed of freeholders: provided always, however, that any presentment or indictment formed or made by any grand jury in Ireland shall not be liable to be traversed, quashed, or in any manner impeached by reason of the grand jury not being selected as aforesaid, but any sheriff who shall wilfully omit or neglect to follow the rules hereby made for the selection of the grand jury shall be liable, on a complaint made to the judge of assizes, to be fined for breach of the provisions of this Act such sum as such judge shall think proper, in addition to any other penalty or punishment to which he may by law be liable.

32. Provided always, that it shall not be lawful for any stipendiary magistrate, or the treasurer of the county, or the secretary of the county council, or any poor rate collector of the county council, or clerk of the crown, or clerk of the peace, or coroner of any county, to serve upon the grand jury at any assizes.

33. The said grand jury so impanelled as aforesaid shall be and be deemed to all intents and purposes to be, and shall constitute, the grand inquest of the same county at and for the assizes then to be holden, and shall, save as hereinafter otherwise provided, perform and discharge, and be bound to perform and discharge, all the duties, offices, and functions of a grand jury, and shall be subject to the like forfeitures, penalties, and liabilities, and shall possess and exercise all and every the powers

Sherriff do, to
attend and
impanel the
jury.

One freeholder
or leaseholder
from each
barony to be
placed upon
the grand jury
panel.

Certain county
officers not to
serve on grand
juries.

Grand jury so
impanelled as
aforesaid shall
be the grand
inquest of the
county.

privileges, and authorities which grand juries have possessed and exercised or ought to possess or exercise under and by virtue of the laws in force in Ireland, save as may be by this Act otherwise provided; provided always that nothing herebefore contained shall extend or relate to any of the powers or duties of a grand jury at any time existing in relation to the business transferred by the Act: and such grand jury shall not depart, save in case of adjournment as hereinafter mentioned, until discharged by the judge of assize.

34. The grand jury impeantrilled as aforesaid shall not be competent to receive any bill of indictment, or to present any nuisance or offence, or to enter upon any criminal business whatsoever, or to perform any functions appertaining to grand jurors, until the judge of assize shall open the commission; after opening such commission with the accustomed formalities the judge of assize shall at the usual time direct the grand jury to attend in court, and cases to be administered, in manner and form heretofore practised according to law, to each of the persons composing the same, such oath as has been or ought to have been heretofore administered to such persons by such judge or justice: and the said grand jury shall then and thereupon be and become to all intents and purposes fully competent to the exercise of all functions of grand jurors whatsoever.

35. It shall be lawful for any county council at any quarterly meeting, without any proposal of a district council or proposal committee, to pass a resolution ordering the payment of such sum or sums of money as shall be ordered by a judge of assize to be paid to witnesses for their expenses as by this Act hereinafter directed.

36. Each grand jury shall, for the whole period during which they shall sit, be called over each morning at sitting by the foreman of such jury, and at all other times when the number of grand jurors present shall be less than by law required for the performance of the functions of a grand jury: and any grand juror who shall make default in his attendance at any of such calls shall for every such default incur a penalty of forty shillings, and such default shall be reported by the foreman to the judge of assize; and unless the same shall be excused on the ground of illness, or other good and substantial reason to the satisfaction of such judge, such fine and penalty shall be by the said judge confirmed and declared absolute, and recovered and applied in the same manner as fines and penalties imposed on jurors for any defaults or misbehaviour may now by law be recovered and applied; and if the foreman shall fail to call over the jury at the times herebefore appointed, or to report the absence of any juror upon such call, he shall incur a penalty of ten pounds for each such default, to be in like manner recovered and applied; provided that nothing herein contained shall limit or affect the authority of any judge to enforce the attendance of any grand juror as such judge may now enforce such attendance.

38. It shall not be lawful for any county council to pass a resolution for any public work whatsoever, or for raising any money, for which a proposal shall not have been made either by a

district council or a proposal committee of the county council, as the case requires, save and except such resolutions as may be specially excepted by any Act, and also save and except such resolutions as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gulleys, walls, or buildings which have happened so recently as not to admit of the ordinary procedure relating to the repairs of public works being followed.

43. Each county council shall provide an office and defray all the expenses of same, and shall require the same to be kept open by the county surveyor for his regular attendance on business in such place as the county council shall appoint, and which they are hereby required and empowered to appoint. No person shall be appointed an assistant surveyor who shall not be certified by the persons appointed for that purpose by the Lord Lieutenant in pursuance of the Act, to be a fit and competent person to discharge the duties of such office.

44. No county surveyor or his clerk, and no assistant surveyor, shall be eligible or liable to serve or act as any jury, nor to fill any other county office whatsoever in any county, nor hire or receive any fee or gratuity whatsoever from any contractor or other person engaged in any public work in any county, nor for any matter or thing in anywise appertaining to the duty of such surveyor, clerk, or assistant surveyor, nor be or become in any manner directly or indirectly interested in any contract for the performance of any work resolved as to be resolved by any county council to be executed, on pain of forfeiting his office, with all arrears of salary then due to him; and every such contract in which such surveyor, clerk, or assistant surveyor, shall be or become in any manner directly or indirectly interested shall be absolutely void, and the surveyor, clerk, or assistant surveyor, so interested, shall forfeit fifty pounds to be recovered, with full costs of suit, by any person who shall sue for the same.

45. It shall not be lawful for the same person to be appointed secretary of any county council and clerk of the peace, or clerk of the crown, or treasurer of any county, or poor rate collector.

50. It shall be lawful for any county council to resolve that any part of any public road be widened to any breadth not more than fifty feet in the clear, or that such roads as the county surveyor may report to be unnecessarily wide be narrowed, and that all such sum or sums of money be raised as shall be necessary for widening and fencing the same, or for gravelling, macadamising, paving, fencing, repairing, or otherwise improving any part of any public road, or for filling up gaps or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dikes or holes on the sides of any public road, or for making, widening, or deepening drains on the side of any such road, and carrying off the water therefrom, to be levied off the district or county borough where the same shall be situate.

51. It shall be lawful for any county council at any quarterly meeting to resolve that any

Office of county surveyor.

Assistant surveyor.

Surveyor or clerk not to fill any other county office.

Secretary of county council not to be a clerk of the peace, &c.

Widening or repairing public roads.

Making and carrying out.

footpath be made or repaired along the side of any road in respect of which they may have authority to pass a resolution, and that such sum or sums of money be raised as may be necessary for making or repairing the same to be levied either off the county or off the district or districts in which such footpath shall be locally situate, according as it shall be resolved that the expense of making or repairing such road shall be levied off the county or any district or districts thereof.

levying of
sums by coun-
ties for any
thing not con-
cerning common
roads.

levy for
parcels.

County council
to cause roads
to be repaired
in case of
neglect on the
part of con-
tractor.

Making of new
roads.

Levelling hills,
filling up low
lands, building
and repairing
bridges, &c.,
upon public
roads.

53. It shall be lawful for any county council to resolve that any public road within such county, or any part of such public road, or any footpath upon the side of such road, be gravelled or repaired with broken stone, or the battlements of any bridge upon such road be kept in sufficient order and repair, by contract for any space of time not exceeding seven years, and also from time to time to resolve that such sum or sums of money be raised as shall be necessary for the execution of any of the above-mentioned works, and the payment of the person or persons with whom such contract for the execution of the same shall have been made, to be levied or raised off any district or county borough in which such road may be locally situate, and when it passes through more than one district then proportionately on each district.

54. In case it shall appear to the county council on the report of the county surveyor at any time during the continuance of any contract now made or hereafter to be made for keeping any road in repair that such road is not in proper repair, the county council, or the county surveyor on their behalf, shall require the contractor to put the same to repair, and if such contractor shall neglect to do so within ten days after he shall have been so required, the county council, or the county surveyor on their behalf, shall cause the same to be repaired, and the expense thereof shall be deducted and repaid out of the sum which would be payable to such contractor if the road had been kept in proper repair.

55. It shall be lawful for the county council at any quarterly meeting to resolve that any new road be laid out and made of any width not less than sixteen feet nor more than fifty feet in the clear, and that all such sums and sums of money be raised as shall be necessary for laying out, or for forming, levelling, and draining, or for gravel-ling, paving, and making the same, and also for making fences thereto, to be levied on the district or county borough in which the same shall be situate, and when it passes through more than one district then proportionately on each district.

56. It shall be lawful for any county council to resolve that such sum or sums of money be raised as may be necessary for lowering any hill or filling up any hollow, or both, on any public road, or for making the road therein with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road, or for erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes on the side of any public road,

to be raised either off the county or off the district or districts in which the same may be locally situate.

57. Where a river or stream or where any road is the boundary between two counties, so as that one side of such road shall be in one county and the other side in another county, it shall not be lawful for the council of either county to resolve to raise on either county, or upon any district of either county, more than one half of the sum required for building, rebuilding, repairing, enlarging, or altering any bridge, pipe, arch, or gullet over such stream or river, or for repairing, making, or widening any such road; and no application for payment on account of any such resolution shall be allowed unless it shall have been resolved that an equal sum be raised for the said work on the adjoining county or some district thereof.

Where a river or road is the boundary of two counties, only one-half the sum shall be raised off either.

58. It shall be lawful for any person or persons to survey and measure any line intended for a new road for the making of which an application is to be made, and for that purpose to enter on and upon any lands or premises through which such intended line may pass, provided that such person or persons shall be thereto authorised by a certificate in writing under the hand of the county surveyor, stating that such survey, and entry to make the same, is proper, and that such certificate shall be allowed by two justices of the peace for the county wherein such lands or premises may be situate, such allowance being signified under their hands by endorsement upon such certificate.

Line of new road may be surveyed upon certificate of surveyor allowed by two justices.

59. It shall be lawful for any county council to resolve that there shall be raised, for the ordnance maps thereof to be mounted, in districts or otherwise, as may by them be deemed best, a sum not exceeding the rate of ten pounds for every thirty-five thousand acres, to be levied off the county at large; and it shall be lawful for any county council at the end of every ten years from the date of the publication of the ordnance survey of such county to resolve that a sum not exceeding the rate of twenty pounds for every fifty thousand acres shall be levied off the county at large, for obtaining a correct survey and map containing all the alterations made in the roads of such county since the then last preceding survey.

Obtaining ordnance map of districts or otherwise of county roads.

60. It shall be lawful for the council of any county to resolve that there shall be levied off such county, for the erection of any pier or quay, or for the repairing or enlarging of any existing pier or quay, on the banks of any navigable river or lake or on the sea coast, or for the making or repairing of any road or approach to any such pier or quay, or for deepening or embanking any such river or lake, in such county, any sum or sums of money not exceeding in the whole the sum of three hundred pounds, nor exceeding two thirds of the whole sum at which said work has been contracted for: provided always, that no resolution shall be passed for raising any sum or sums of money for the erection of any pier or quay, or for the making any roads or approaches thereto, until the person or persons making application thereto to the county council shall have paid to the county treasurer a sum equal to the one third part of the whole sum at which said work has been contracted for, and

Constructing, repairing, &c., piers and quays on navigable rivers, lakes, or coast, and making approaches, &c.

such payment shall have been certified to the county council by the said treasurer's receipt, nor unless the consent in writing, under the hand and seal of the owner or owners in fee, or of the person or persons having a lease of lives renewable for ever, or a term of years of not less than ninety-nine to come and unexpired at the time of passing such resolution, of or in the lands on which the said work is to be constructed, shall have been lodged in the office of the secretary of the county council six clear days before the quarterly meeting of the county council at which the proposal relating to such application is to be considered.

68. Every pier or quay which has been built or enlarged in pursuance of a presentation of any grand jury, or may hereafter be built or enlarged in pursuance of a resolution of any county council, upon any navigable lake or river or on the sea-coast, pursuant to the provisions of this or any other Act, shall be deemed and become public property.

69. It shall be lawful for any county council to resolve that such sum or sums of money shall be raised off such county as shall be necessary for building, re-building, enlarging, repairing, altering, or fitting up any court house or sessions house therein.

70. In case at any time hereafter the Lord Lieutenant shall direct that a quarter sessions of the peace or any adjournment thereof shall be held for the dispatch of civil or criminal business in any town or place in which there may not be a sessions house, the surveyor of the county shall on being required by the Lord Lieutenant so to do, prepare such specifications, maps, plans, sections, and elevations as may be necessary for the erection of a sessions house therein, expressing the nature and probable expense of the works and the materials proper to be employed, and the same shall be delivered to the secretary of the county council, who shall lay the same, together with a copy of the warrant of the Lord Lieutenant, before the county council at their quarterly meeting next after the time at which he shall receive the same, and the county council shall examine such specifications, maps, plans, sections, and elevations, and such others as may be laid before them, and either adopt the same or make such alterations therein as they may think proper, or reject the same, and shall resolve that a proper and sufficient sessions house shall be provided or built in such town or place within the period of one year from such meeting, and that a sum not exceeding one thousand pounds shall be levied off the county for that purpose at one time or by instalments to be completed within the period of five years, and the surveyor shall thereupon prepare a proper form of tender for the execution of such work, and shall deliver the same to the secretary of the county council, who shall lay the same, together with the resolution, and the specifications, maps, plans, sections, and elevations, as approved of by the county council, before a quarterly meeting of the proposal committee to whom the council shall refer such resolution to be considered as if it were an application, and upon the consideration thereof the proposal committee shall formulate a proposal for the execution of the works which shall not be deemed a provisional proposal, and shall direct within what period before the day to which such committee may be adjourned tenders for the execution of

the works shall be received; and any tenders that shall be made for the execution of such works shall be opened at the adjourned quarterly meeting of such committee, and dealt with in all respects in like manner as any other tenders received in respect of proposals formulated by a proposal committee: provided always, that if such resolution shall not be passed, and a valid contract for executing such work shall not be entered into, within the period of six months from the quarterly meeting at which such warrant shall have been laid before the county council, it shall be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in Ireland to build or provide such sessions house, and on the production to the county council at any quarterly meeting of the certificate of the secretary of such commissioners that a sum not exceeding the sum of one thousand pounds has been expended in building such sessions house and purchasing a site for the same, or for either of such purposes, the county council shall and they are hereby required to resolve that the sum so certified shall be levied off such county in one payment, and be paid to the secretary of the said commissioners in satisfaction of the sum so expended: provided further, that in case the said Commissioners of Public Works shall find it convenient to take a lease of any premises for the purpose of building such sessions house thereon they shall be at liberty to do so, and to engage to pay an annual or other rent for the same, not exceeding the sum of fifty pounds per annum, and the county council shall and they are hereby required from time to time to resolve that a sum equal to the amount of such rent shall be levied off the county and paid in discharge of the same.

71. It shall be lawful for any county council to advertise in the public newspapers for specifications, maps, plans, sections, and elevations from professional architects for the erection, alteration, and repair of such buildings as may be required for the public use of the county, and to resolve that a sum not exceeding fifty pounds shall be paid as remuneration to the architect whose plans shall be approved of, and to employ such architect, should they judge it necessary, in superintending the work to be executed pursuant to his plan, on such terms as may be determined by the county council.

72. It shall be lawful for any county council, and they are hereby required, at each quarterly meeting to resolve, without any proposal of a proposal committee, that all such sum or sums of money shall be raised upon such county as shall be necessary for paying such rent or rents of any court house or sessions house, or their appurtenances respectively, as shall, from time to time, be payable for the same.

73. It shall be lawful for any county council at any quarterly meeting, without any proposal of a proposal committee, to resolve that there shall be levied off such county such reasonable sum or sums as they shall think proper for providing fuel or light for each and every or any court house or sessions house in or belonging to such county: provided that no order for payment of such sum shall be made until the person to whom any such sum shall be payable under such resolution shall produce to the finance committee an affidavit stating that the sum required to be paid hath been duly expended in the purchase of fuel

If no resolution is passed, Lord Lieutenant may direct Commissioners of Public Works to build sessions house.

County council may advertise for specifications, plans, &c.

At 21st of 1881 and sessions house.

Fuel for courts &c.

for the use of such court house or sessions house payment to such resolution, and that the whole of such fuel hath been consumed in the said court house or sessions house and for the use and benefit thereof, or if any part of such fuel shall not have been consumed stating how much thereof has been consumed, and that the residue then remains in safe keeping, to be applied to the use of the said court house or sessions house in like manner.

Rest of petty sessions room.

77. It shall be lawful for any county council to resolve that there shall be raised, for each of the places wherein petty sessions shall be appointed to be held, an annual sum not exceeding ten pounds, to be raised off such county, for the rent of a room or rooms for the holding of petty sessions thereat, and of a lock-up room or rooms, provided that such room or rooms shall not be in a house where spirituous or fermented liquors are sold, nor in any police barracks, nor in any other building maintained either wholly or in part at the public expense; and provided that whenever a public court house shall have been built and provided at any place so appointed as such resolution shall be passed, the petty sessions shall be held in such public court house, and not elsewhere: provided also, that it shall be proved to the satisfaction of the proposal committee who shall consider the application for such rent, that six meetings of justices during the six months immediately preceding such application shall have been held in such room or rooms.

Sum not exceeding 12,000 may be paid as consideration for surrender of lease.

78. It shall be lawful for any county council, without any proposal of a proposal committee, to resolve that any sum not exceeding one thousand pounds shall be raised off any county, and paid to the lessor in any lease of premises held for any public purpose, or the representatives of such lessor, as a consideration for accepting a surrender of such lease.

Sessions house-keepers and interpreter.

79. It shall be lawful for any county council at any quarterly meeting to resolve without any proposal of a proposal committee, that there shall be levied off such county any sum calculated at a rate not exceeding eight pounds by the year as a salary or payment for the keeper of any sessions house belonging to such county where the general quarter sessions of the peace are held, and any sum not exceeding five pounds that may be recommended by the judge of assize at any spring or summer sittings for an interpreter at such assize.

Glitters, rollers, stones, &c.

80. It shall be lawful for any county council to resolve that any sum or sums of money shall be raised off the county at large for making or repairing a gallow, or for bolts and shackles, not exceeding in the whole in any one year the sum of twenty pounds, and also for erecting or repairing direction posts, milestones, mileposts, or depots for materials, not exceeding one pound for each direction post, milestone, milepost, or depot.

Sum that may be raised for erection of fever hospitals not to exceed double the amount of private subscriptions.

82. Whenever it shall be made appear, by statement on oath to any county council, that there has been actually received from private subscriptions or donations any sum or sums of money for the purpose of erecting any house to be applied to the reception of fever patients, and either connected with any local dispensary or not, as the case may happen, and upon a certificate by one or more physicians that there is a necessity for providing accommodation for such patients, it

shall be lawful for such county council, and they are hereby required, to resolve that there shall be raised off such county, any sum not exceeding double the amount of the sum or sums so raised by donation or subscription, and actually received by the treasurer, to be applied, together with the moneys so received by private donation or subscription, in erecting such house for fever patients, in such manner as the subscribers of any sum not less than one guinea, or such committee of them not fewer than five, as they shall appoint for that purpose at any general meeting of such subscribers, shall in their discretion deem most advisable: provided always, that the affidavit and certificate herein mentioned shall, together with the notice of application for such payment, have also been laid before a quarterly meeting of the proposal committee to whom such application shall be referred, and a proposal been made on such application: provided also, that it shall be lawful for the councils of the county of Cork and county borough of Cork respectively, if they shall think proper, to resolve that there shall be raised for the support and maintenance of the fever hospital in the city or county of Cork any annual sum not exceeding double the sum provided for the support or maintenance of such establishments respectively at any assizes during the last five years before the passing of this Act.

Report of county fever hospital.

83. Where any fever hospital has been or shall be established in and for any county it shall be lawful for the county council to resolve that such sum or sums of money, not exceeding in the whole the annual sum of five hundred pounds, as shall appear to be necessary for the support of any such county fever hospital shall be raised off the county at large, and levied and applied accordingly: provided always, that an account of the receipt and expenditure of such fever hospital from the time of its establishment to the time of the first payment required, and afterwards from the time of each payment required till the time when any further payment is required, shall together with the notice of application for the sum for the time being required, be laid before a quarterly meeting of the proposal committee to whom such application shall be referred, and that such account and application shall be approved thereat, and a proposal made on such application.

Account of receipt and expenditure to be laid before proposal committee.

84. It shall be lawful for the council of any county in which a fever hospital shall not have been erected before the passing of this Act, or in which it shall be made appear to the satisfaction of the county council that any fever hospital requires to be enlarged, repaired, or rebuilt, to resolve at any quarterly meeting that there shall be raised any sum or sums of money for the purpose of erecting, establishing, hiring, repairing, and fitting up one fever hospital in any such county in which no such hospital shall have been previously established, or for the purpose of enlarging, repairing, or rebuilding any fever hospital which shall have been previously established: and also to set forth in such resolution what part thereof shall be raised upon any district or districts in any such county, or on the county at large.

Sum for building or repairing county fever hospital.

85. It shall be lawful for any county council to resolve that there shall be raised off such county (whether there be or be not any special provision in any Act relative thereto) an annual sum not exceeding fourteen hundred pounds, to be

Maintenance of a county infirmary.

paid to the treasurer of the infirmary of such county, and applied to the support and maintenance of such infirmary: provided always, that, together with the notice of application for such payment, a certificate under the hand of the physician or surgeon of such infirmary, stating the number and names of patients, as well as others, as interns, received and relieved since the preceding application, and also a true debtor and creditor account of the funds and expenses thereof, commencing from the time of the preceding application attested by the signature of the treasurer of such infirmary, shall have been laid before a quarterly meeting of the proposal committee to whom such application shall be referred, and that such application and account shall have been approved of thereof, and a proposal been made on such application.

86. It shall be lawful for the council of any county to resolve that an annual sum not exceeding ninety-four pounds be raised off such county, and paid as a salary or salaries to the surgeon or surgeons of the infirmary thereof: provided always, that no such resolution shall be passed unless, together with the notice of application for such payment, a certificate signed by not less than five members of the joint committee constituted under the Act shall be laid before a quarterly meeting of the proposal committee to whom such application shall be referred, which certificate shall state that the surgeon or surgeons for payment of whom such sum is applied for hath or have resided at or within one mile of such infirmary, and duly and faithfully executed his or their duty as surgeon, or surgeons of such infirmary or hospital, and diligently complied with the rules and regulations of the joint committee of such infirmary, since the date of the last application, nor unless a true copy (certified under the hand of the treasurer of such infirmary or hospital) of the letters testimonial from the College of Surgeons in Ireland, by law required to be obtained by every such surgeon, shall be laid before the quarterly meeting of the proposal committee before whom the application for payment shall come next after his appointment to his office: and provided also, that no surgeon or medical attendant hereafter appointed shall be qualified to act as surgeon of any infirmary or dispensary until he shall have signed and deposited with the secretary of the county council a declaration in the form in the schedule (B.) to this Act annexed.

87. If any person shall, by himself, his friends or agents, directly or indirectly give or promise to give any money, or any security for money, or other consideration, to any person or persons in order to procure the appointment to the office of treasurer, clerk of the peace, secretary of the county council, surveyor, or any other office or employment in this Act mentioned, or in order to procure the resignation of any person or persons holding such office, or in order to influence the votes of the persons who may have the appointment to such office, he shall be incapable of holding any such office or employment, and shall forfeit for every such offence a sum of one hundred pounds to any person who will sue for the same, and such sum may be recovered by civil bill, or by action in the High Court.

88. Whenever the Lord Lieutenant, by and with the advice of her Majesty's Privy Council in Ireland, shall, under the provisions of the Lunacy (Ireland) Act, 1821, or any Act ascending the same, have before the appointed day ordered and directed any sum or sums of money to be advanced, issued, and paid out of the growing produce of the Consolidated Fund arising in Ireland for the purpose of erecting and establishing, opening, carrying on, maintaining, or supporting any district lunatic asylum, the council of every county within the district in and for which such asylum shall be erected and established shall and they are hereby required (after any such asylum shall be fit for the reception of such lunatic poor) to resolve at any quarterly meeting, without any proposal of a proposal committee, that such sum or sums of money shall be levied of such county as shall be necessary for the repayment of any such sum or sums so advanced, or any part thereof, at such times and in such proportions as shall be directed and ascertained by any Order or Orders to be made by such Lord Lieutenant in Council as aforesaid.

101. It shall be lawful for the council of each county at any quarterly meeting, and they are hereby required, to resolve that there shall be levied off such county, or off any district thereof, all and every such sum or sums of money as may be chargeable upon and directed to be levied off such county or district by and under the provisions of the Constabulary (Ireland) Acts, 1836 to 1897; and every such resolution shall be passed without any proposal of a district council or proposal committee, and in all respects pursuant to the regulations of the said Acts, or such of them as may be applicable to the case; and the money levied under every such resolution shall be paid over in such manner and to such bank or person as the Treasury shall direct.

105. Where any person shall have been tried for any felony whatsoever, it shall be lawful for the court before whom such person shall have been tried, in case it shall appear that there was a reasonable ground of prosecution, to order the treasurer of the county in which the offence shall have been or shall have been alleged to have been committed, to pay to the prosecutor, upon his application, such sum of money as to such court shall seem reasonable, not exceeding the expenses which it shall appear to the court that such prosecutor may have lawfully incurred in carrying on such prosecution; and in case such prosecutor shall appear to the court to be in poor circumstances, such court may make a further reasonable allowance to such prosecutor for trouble and loss of time, which order the clerk of the crown or clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such prosecutor without fee or reward; and when any person shall appear on recognizance or subpoena to give evidence as to any felony whatsoever, whether the prosecution of such felony be commenced or carried on by or under the direction of any law officer of the crown or any other person, it shall be lawful for the court before which such person shall appear, whether any bill of indictment be preferred or not to any grand jury, in case such person shall have attended in obedience to such recognizance or subpoena, to order the treasurer of the county in which the offence shall have been or shall have been supposed to have been committed to

Reporting all-
suits from
non-claimed
Fund for erect-
ing and ex-
panding any
district lunatic
asylum.

Money for con-
stabulary force.

Expenses of
prosecutors and
subpoena in
cases of felony.

Penalty for
giving or
promising any
money, &c., to
obtain the ap-
pointment to
any office or
employment
under this Act.

pay unto such person such sum of money as shall seem reasonable, not exceeding the expenses which it shall appear that such person has lost or incurred by reason of the said recognisance or subpoenas; and in case such person shall appear to be in poor circumstances such court may make a further reasonable allowance to such person for trouble and loss of time, which order the clerk of the crown or the clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such person; and such treasurer is hereby authorized and required, out of any public money in his hands, forthwith to pay to any such prosecutor or witness respectively, or to any person by him or her authorised, any such sum of money so ordered, and such treasurer shall be allowed the same in his accounts; and the council of such county shall, at their quarterly meeting next after any such payment, resolve that all sums so paid to such prosecutors and witnesses respectively shall be raised either of the county at large or upon any district thereof, as to such council shall seem fit; and such resolution may be passed without any proposal of a district council or proposal committee.

106. If it shall appear that any person having given information or evidence against any person or persons charged with any offence against the public peace has been murdered or maimed previous to the trial of the person or persons accused by such information or evidence, or of any of them, or on account of any such evidence given, or that any magistrate or other peace officer shall be murdered or maimed on account of his functions, as such magistrate or peace officer, to bring disturbers of the public peace to justice, it shall be lawful for the county court of the county within which such murder or maiming shall have been committed respectively to make a decree for such sum or sums of money as the court shall think just and reasonable to be paid to the personal representative of such witness, magistrate, or peace officer so murdered, or to such witness, magistrate, or peace officer so maimed, having regard to the rank, degree, situation, and circumstances of such witness, magistrate, or peace officer, such money to be raised of the county at large or the district in which such murder or maiming shall respectively have been perpetrated, at the discretion of such court.

107. It shall be lawful for any county council at any quarterly meeting, if they shall think fit, to resolve, without any proposal of a district council or proposal committee, that there shall be raised any sum of money not exceeding the sum of twenty pounds for each and every person who shall apprehend and prosecute to conviction any person guilty of any murder, and any sum not exceeding ten pounds for each and every person who shall apprehend and prosecute to conviction any person guilty of any other capital felony or misdemeanour for which any person on conviction may be liable to be sentenced to penal servitude instead of transportation; such sum or sums to be raised off such county or any district thereof as such county council shall think proper and to be paid to any prosecutor or prosecutors of such offenders as aforesaid.

108. The council of any county where any offence shall have been committed shall resolve that there shall be levied of such county the expenses attending the removal thereof of any

prisoner apprehended according to law in any other part of the United Kingdom in manner provided by the Constabulary (Ireland) Act, 1831, and the Acts amending the same.

110.—(1.) All county treasurers, clerks of the crown, clerks of the peace, sheriffs, and all other officers and persons mentioned and specified in the schedule annexed (S.) hereto annexed, shall, save where otherwise provided by any enactment, be paid and remunerated for their respective duties, services, and expenses by annual salaries only, not exceeding the amount mentioned in the said schedule.

(3) The county council shall and may at any quarterly meeting resolve (without any proposal of a proposal committee) that such annual salary shall be raised off the county at large for each such officer; provided always that, subject to the provisions of the Act, in case of any negligent or insufficient discharge of duty by any such officer or officers, it shall be lawful for any county council to resolve that there shall be raised and paid any sum or sums less in the whole than the annual salary by this Act specified to be paid to any such officer or officers, or to refuse to pass a resolution for the payment of any salary whatever for any such officer or officers; and that such officer shall not be entitled to receive any payment for any service or duty performed at an adjourned sitting; provided also, that nothing in this sub-section contained shall extend or apply to officers appointed under the Act.

112. Before any clerk of the crown or clerk of the peace shall be entitled to receive such salary as is hereby provided he shall at a quarterly meeting lay before the county council an account, verified on oath and sworn and read before the council at the said meeting, setting forth the total amount of his fees and other emoluments, and distinguishing the several sums paid and received under each separate head of service, and the rates of fees or remunerations received on each; and it shall not be lawful for any county council to resolve that any payment shall be made to any clerk of the peace, unless it shall appear to them that he has given security by recognisance in the sum of one thousand pounds for the due and faithful execution of his office of clerk of the peace, and that such recognisances have been duly deposited or recorded.

113. In any county wherein a special commission shall be held for the trial of offenders the county council at the quarterly meeting next immediately ensuing shall and may resolve (without any proposal of a proposal committee) that a further sum shall be raised and paid to the clerks of the crown, sheriffs, and judge's clerk, not exceeding one-fourth of their annual salary, subject nevertheless to the like direction as hereinafter given to any county council in case of neglect or insufficient discharge of duty by any officer.

114. The salary paid to the secretary of every county council shall be in full acquittance of all demands to be made by such secretary for stationery, which such secretary shall be bound to furnish to the county council without further charge, not however including the expense of any printing.

Expenses of
any person
employed
in the
construction, &c.

117. It shall be lawful for any county council to resolve that there shall be levied off such county such sum or sums of money as may be necessary or shall have been expended for or in using any treasurer or collector of any public money, or any of their surties, executors, or administrators, for any misconduct, breach of duty, or nonpayment, or for recovering any public money from any treasurer, or collector, or their surties, executors, or administrators, or for suing any contractor under this Act or under any Order in Council under the Act, his surties, executors, or administrators, for any breach of contract; provided that no such resolution shall be passed, unless, together with the notice of the application for such payment there shall have been laid before a quarterly meeting of the proposal committee to whom such application shall be referred a bill duly taxed and certified by the proper taxing officer of the costs incurred for any of the purposes aforesaid for which such application shall be made, nor unless it shall be proved that such costs could not be recovered from the person sued, or any other person liable to pay the same, and that the proceeding was instituted by the direction of a county council.

Should be first
settled to be laid
before the proposal
committee.

Used
application of
Grand Jury Act
1834.

118. Nothing contained in the Grand Jury (Ireland) Act, 1873, shall extend to the repairing or widening of the towing paths or trackways of canals or rivers whereon tolls are paid or payable.

Persons of
lower rank
own bridges
and take tolls
in certain
circumstances.

120. It shall be lawful for any person or persons who now have or hereafter shall have any ferry over a river (except in cities and towns corporate) to erect and support a bridge at his or their own expense over such river in the place of such ferry, and to take and receive for passing such bridge such toll, not more, as they are entitled to receive for passing such ferry, so as that such bridge shall not obstruct the navigation of such river; and such tolls shall be recoverable in the like manner, and under such penalties for refusing or evading to pay the same, by any justice of the peace, as is prescribed by an Act passed in the Parliament of Ireland in the thirtieth year of the reign of his Majesty King George the Third, intitled "An Act for the building a bridge over the river Loughboy in the city of Londonderry and the suburbs thereof," and it shall be lawful, for any county council, upon an application made and proposal formulated in accordance with any Order in Council under the Act, to pass a resolution for the purchase of the properties in any such bridge or ferries, in order to open the same, free of tolls, for the benefit of the public.

Section 113
County council
may resolve to
purchase the
property in
such bridges in
order to open
same toll-
free.

Power for
county councils
to acquire tolls
in certain
cases.
1854 (c. 10.)

121. At any time after the completing and opening of any bridge built in pursuance of an Act passed in the Parliament of Ireland in the nineteenth and twentieth years of the reign of his Majesty King George the Third, intitled "An Act for empowering grand juries to present bridges, and tolls to be paid for passing the same, in certain cases," and of an Act passed in the fifty-third year of the reign of his said Majesty King George the Third, amending the same, it shall be lawful for the council of the county in which such bridge shall be situated, or if situate in two counties, then for the councils of such counties, to redeem the tolls payable under the said Acts to the owner or owners of such tolls, by paying in one sum to such owner or owners the original sum

expended in building such bridge, with any deficiency of interest which may arise, in case by the perception of the said tolls the said owner or owners shall not have received, above all necessary costs and charges of repair and collection of the said tolls, the legal interest at the least for the money originally expended in building and erecting such bridge; and on each payment of the original sum so expended, and of such deficiency, if any there shall be, then the said tolls shall cease, and the passage of such bridge shall be open and free to all cattle, carriages, and persons whatsoever; and such county council is hereby empowered, upon an application made and proposal formulated by a proposal committee in accordance with any Order in Council under the Act, to resolve that there shall be levied off the county at large, such sum or sums of money as may be sufficient to defray the expenses of redeeming such tolls in manner aforesaid, such sum or sums to be paid to the owner or owners of such tolls.

Redemption of
tolls by county
councils.
1854 (c. 10.)

122. Nothing herein contained shall be construed to limit or affect the power or duties of any county council to pass any resolution which they are authorised or required to make under and by virtue of the Bridges (Ireland) Act, 1834, and the Act; provided that no proposal of a district council or proposal committee shall be required before the passing of the said resolution.

Not to affect
the power of
county council
to pass resolution
for opening of
tolls in certain
cases.
1854 (c. 10.)

126. Where before the commencement of the Act grand juries were empowered under and by virtue of the provisions of this Act to make presentments for any public works authorised by this Act in order to obtain advances, loans, or grants from the Commissioners of Public Works for the execution of same in like manner as grand juries were empowered to make presentments in order to obtain advances, loans, and grants under the Public Works (Ireland) Acts, 1831 to 1886, it shall be lawful for any county council, and they are hereby required, to pass such resolutions as may be from time to time necessary for the purpose of the repayment of advances made before the commencement of the Act under the said provisions of this Act, but save as aforesaid the said provisions shall not be construed to extend or apply to any county council.

The enactment
of certain
Acts.

135. In all cases of maliciously or wantonly setting fire to, burning, or destroying any house, out-house, or other building, or any haystack, corn, hay, straw, or turf, or of maliciously setting fire to, burning, or sinking any boat or barge laden with corn or other provisions, or of maliciously killing, maiming, mauling, or injuring any horse, mule, ass, or swine, or any banded cattle or sheep, or of maliciously damaging, injuring, or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work belonging to any person, public canal or navigation, where an application for compensation in respect thereof is made, the county court may, on the consideration of the said matter either refuse such application altogether, or make a decree for such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied off the county at large, or such county or other district, parish, township, or sub-division thereof, as the court shall direct.

Compensation
for malicious
injury.

Persons injured to give in evidence upon such matters in the courts within three days after the offence committed.

137. Provided always that every person or persons who shall, under the provisions of this Act, apply for compensation for any loss or damage occasioned by malicious injury as aforesaid, shall within three days after the commission of the said injury, unless prevented by illness or other sufficient cause, give in his, her, or their examination upon oath, or that examination upon oath shall be given by his, her, or their servant or servants who had the care of his, her, or their property so injured, before some justice of the peace of the county where such injury shall have been committed, thereby specifying whether he, she, or they do know the person or persons who committed the said injury, or any of them, and in such case such examination or examinations shall be bound by recognizance to prosecute such offender or offenders by indictment or otherwise according to the laws of this kingdom.

Searcher or suit in cases provided for by this Act.

138. No action or suit for the recovery of any satisfaction or damages sustained by reason of any injury, for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act, shall be brought or prosecuted against any chief or other magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts, now or hereafter in force in Ireland to the contrary notwithstanding.

Made of containing description for every offence committed by or against the owner of the land.

140. Provided also, that in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the distance of one mile of the boundary of any two or more counties, the person or persons who shall sustain such injury may apply for compensation, in the manner by the Act and rules of court directed in either or any one of such neighbouring counties; and all proceedings shall be taken thereupon as by the Act and rules of court provided with respect to applications for damages for malicious injury; and in case any sum or sums of money shall be decreed by the county court of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the judge at the assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and shall direct the proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such decree shall thereupon be diminished, or decree made, according to the proportion which the said judge shall direct to be paid by such county; and the council or councils of the said other neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such judge declaring the proportion to be paid by such county or counties, to resolve that such proportion when the same shall exceed one hundred pounds shall be raised off the county at large, and if such proportion shall be under one hundred pounds shall be raised off the district or districts in or near to which such injury shall be alleged to be committed, and paid to the person or persons so applying, as the case may require.

No fees to be taken.

141. No fee shall be demanded from or paid by any person paying poor rate or applying to the clerk of the crown, judge, or jury, for any matter or thing relating to any such application, decree, or trial.

143. The treasurer of the county, or where a banking company is acting as treasurer of a county the secretary of the county council, in the preparation of all printed lists of resolutions passed by the county council, shall place in a separate page of such lists the several sums of money payment of which shall have been ordered by the county council under the laws in force under which it is imperative on the county council to pass resolutions ordering payments for various public services; and the amount of all sums in such lists shall be totted up at the foot of each column.

Impertinent persons to be removed separately.

145. It shall be lawful for the secretary of any county council for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the county council to insure, and for such sum as he shall be so directed; and such policy shall vest in the secretary of the council for the time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be applied to public purposes from time to time as the county council shall direct by any resolution; and the county council shall have the power, without any proposal of a special committee, and are hereby required, to resolve that there shall be levied of the county at large the premium and other charges payable on such policy, and that the same shall be continued, and the treasurer shall from time to time pay such premium.

Secretary to make any public building to be insured that may be so directed by county council.

161. Every county surveyor and every contractor for any work to be executed in pursuance of a resolution of a county council shall have power and authority to dig for, raise, and carry away in or out of any lands, not being a deer park, bleich green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or footpath; and such surveyor or contractor is hereby further empowered to make drains in order to carry off water which might injure any bridge, gullet, arch, pipe, wall, or road, in or through any lands, not being a deer park, bleich green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, and shall make such satisfaction for the damage done thereby, or by taking any such materials as aforesaid, as shall be assessed by three substantial householders, which householders shall view the ground immediately previous to and immediately after such damages shall be committed, one of such householders to be named by the owner or occupier of the land, and another by the surveyor or contractor, and the third by any neighbouring justice of the peace; and in case any surveyor or contractor shall refuse, or after four days notice in writing from such landholder, neglect to name a householder on his part, then one shall be named for him by such justice; and such three householders shall be sworn by such justice of the peace (previous to the damage being committed), to be appraisers of such damages as may occur, and to make a true estimate thereof, in which estimate the value of any stones, gravel, or other materials shall not be included, but only the waste committed by breaking the surface and making a

Power of surveyor and contractor to dig for materials.

and to make drains.

selection for damages to be assessed by three householders.

passage through the land, unless where such stones, gravel, or materials shall be taken from any quarries and gravel pits land is donated with liberty to work the same: provided nevertheless, that it shall not be lawful for any such contractor or surveyor to enter any land for any such purpose against the will of the occupiers thereof without the previous order of a justice of the peace, which order any such justice is hereby authorised and required to grant on its being proved to his satisfaction that the gravel, stones, or other materials sought cannot be conveniently procured elsewhere, nor such drains otherwise sufficiently made or cleaned.

Proceedings in case any public works shall be wilfully injured.

163. In case at any time hereafter any public work erected or repaired in pursuance of a presentment of a grand jury or resolution of a county council shall be wantonly or maliciously damaged or destroyed, it shall be lawful for the county surveyor and he is hereby required to apply at the quarterly meeting of the council of the district in which such work is or was situate, holden next after the discovery by him of such damage or destruction, for the repair or reconstruction of such work, and such proceedings shall be had on such application as on any other application by such surveyor save only that in case any resolution shall be passed by the county council in consequence thereof, the amount to be raised under such resolution shall be levied off the district in which such work is or was situate.

Witness of Dublin Council.

165. The quarterly meetings of the council of the county and of the county borough of Dublin shall be open to the public during the transaction of any business tendered to them by the Act from the grand jury or presentment sessions.

No stamp duty upon contracts and recognisances made under this Act.

166. No contract for any public work under the provisions of this Act, or any recognisance to be entered into for the execution of the same by virtue of this Act, shall be liable or subject to any stamp duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whosoever the amount of any such contract, or the sum for which any such recognisance shall be conditioned, or the sum sought to be recovered by virtue of such recognisance or contract, shall not exceed the sum of one hundred pounds, it shall be lawful to proceed against any such contractor or his sureties for such sum, or for damages for the breach of any such contract, by civil bill before the county court judge at the quarter sessions for the county where such work shall be situate, or in the county or city of Dublin before the recorder of Dublin; and the said county court judge and recorder shall have full power to hold pleas thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law, be had or used before such judge.

Witness not to be sworn by a witness.

173. It shall not be lawful for any justice of the peace or any other person to demand or take any sum of money or any reward for revealing any affidavit to be made by virtue of this Act; and

if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall be lawful for any county council, without any proposal of a district council or proposal committee, to resolve that such sum or sums shall be raised for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

Witness not to be sworn by a witness.

174. The several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such form shall be applicable: provided always that it shall and may be lawful to cross or alter any words in such form so as to make it applicable to any particular case, without materially altering the substance, but so further; and that no notice, recognisance, warrant, resolution, or other proceeding or matter whatsoever, made, taken, passed or had under this Act shall be impeached on any technical or formal grounds, or for any informality, provided it shall be in substance conformable to the provisions of this Act.

Money to be the present currency.

It is hereby part of the Act.

Notice, &c., not to be impeached on technical grounds.

175. In all cases where by this or any Act or Acts in force in Ireland at the time of the passing of this Act repayment is to be made in pursuance of a resolution of a county council of any money advanced out of the Consolidated Fund or from any other public fund, the same shall be paid and payable unto such bank or person and in such manner as the Treasury shall from time to time think fit to direct and appoint.

Repayment of money advanced out of the Consolidated Fund.

179. In case the county council at any quarterly meeting shall neglect or refuse duly to resolve that any money shall be paid which, under the provisions of this Act, or of any Act in force in Ireland at the time of the passing of this Act, or of any Act passed in the session of Parliament in which this Act was passed, such county council may be required to pass a resolution for payment of at such meeting upon the certificate of the chief or under secretary of the Lord Lieutenant or otherwise, for the purpose of reimbursing or repaying any monies issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the judge of assize, at the next assizes practicable (not being winter assizes) held not less than fifteen days after the quarterly meeting at which such council so neglect or refuse, shall have power to make an order directing the payment by the county council of the money which they ought to have so resolved should be paid, and upon such order being made the treasurer of the council shall pay the same out of moneys under his control as such treasurer, and, if those are insufficient, out of the first moneys coming under his control as treasurer, and such payment may, to the extent of any such moneys, be enforced against such treasurer in like manner as it might be enforced against the council.

If council fails to pass a resolution for repayment of money advanced out of the Consolidated Fund, judge of assize to make order.

No resolution
for such
expenditure
shall be
demanded
within five
years, &c.

180. In case at any time after the passing of this Act any sum of money shall have been or shall be advanced out of the produce of the Consolidated Fund, which was or is to be repaid wholly or in part by a presentment of any grand jury or in pursuance of a resolution of a county council, it shall not be lawful to pass any resolution for repaying the same or any part thereof unless the same has been demanded within five years next before the passing of such resolution, except only where the same is to be repaid by instalments.

Act to extend
only to Ireland.

185. This Act shall extend only to that part of the United Kingdom called Ireland.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (R.)

I do declare, that I have not
directly or indirectly paid any sum of money as

or for the subscription of any person, in order to entitle him to become a governor of the infirmary of the county of _____ or to qualify him as a subscriber to the dispensary of _____ [as the case may be], and that I have not promised or in any manner engaged to repay, and have not directly or indirectly repaid or secured, and will not directly or indirectly repay or secure, nor has any person to my knowledge or belief, or on my behalf, given or promised to give to any person or persons, or for his or their use, or at all, any sum of money paid or secured or agreed to be paid or secured as a subscription to the said infirmary or dispensary, or any part thereof: and that no person whose subscription to said infirmary or dispensary, or any portion thereof, has been paid or secured by me, or any person acting for me or on my behalf, in order to qualify him to become a governor of the said infirmary, has voted for me: and I do declare that my appointment to the office of _____ is totally unconnected with any arrangement between me and my predecessor in such office, and that no arrangement has been made with him, to my knowledge or belief, by any person on my behalf.

THE GRAND JURY (IRELAND) ACT, 1837.

7 WILL. 4. & 1 VICT. c. 2.

An Act to amend an Act passed in the seventh year of his present Majesty, for consolidating and amending the laws relating to the payment of public money by grand juries in Ireland.

[24th February 1837.]

Operation of the Grand Jury Act, 1836, in the county and the county borough of Dublin.

One freeholder or freeholder from each barony or half barony is to be placed first on grand jury panel in each barony or half barony, freehold lands of the yearly value of fifty pounds and upwards, or leasehold lands of the yearly value of one hundred pounds over and above the amount of rent payable out of or for such leasehold lands, so that as far as can be done fit and competent persons, having lands of the value aforesaid, and resident in each barony, if the same can be found therein respectively, shall be placed upon such panel; and having in such manner selected such one fit and proper person for each barony and half barony, the sheriff shall complete the said panel as now by law authorised and directed, and the persons taken from the panel so framed shall be and constitute the grand jury or inquest of such county; any thing in any writ, precept, or return facias expensed or directed, or any law, statute, usage, or custom, to the contrary notwithstanding, and as if such grand jury were altogether composed of freeholders: provided always that no presentment or indictment made or found by any grand jury shall be liable to be traversed, quashed, or in any manner impeached by reason of the grand jury not being selected as aforesaid; but any sheriff of such county who shall wilfully omit or neglect to follow the rule hereby made for the selection of the grand jury shall be liable, on a complaint made to the judge of assize, to be fined such sum as to such judge shall seem proper.

Proviso.

Sheriff liable to suit for neglect.

Board of Works may execute public works, or remedy the county council to execute them.

2. The Grand Jury (Ireland) Act, 1836, save and except only section one hundred and sixty-seven thereof, shall not be construed to affect or extend to the county of Dublin or the county borough of Dublin.

3. The sheriff of each county in Ireland, in which there are not two baronies or half baronies shall, in framing the panel of persons summoned to serve on the grand jury of such county at each assize, after the passing of this Act, observe the rule hereinafter following (that is to say,) he shall place first on such panel for each barony or half barony in such county the name of some person having in such barony or half barony, freehold lands of the yearly value of fifty pounds and upwards, or leasehold lands of the yearly value of one hundred pounds over and above the amount of rent payable out of or for such leasehold lands, so that as far as can be done fit and competent persons, having lands of the value aforesaid, and resident in each barony, if the same can be found therein respectively, shall be placed upon such panel; and having in such manner selected such one fit and proper person for each barony and half barony, the sheriff shall complete the said panel as now by law authorised and directed, and the persons taken from the panel so framed shall be and constitute the grand jury or inquest of such county; any thing in any writ, precept, or return facias expensed or directed, or any law, statute, usage, or custom, to the contrary notwithstanding, and as if such grand jury were altogether composed of freeholders: provided always that no presentment or indictment made or found by any grand jury shall be liable to be traversed, quashed, or in any manner impeached by reason of the grand jury not being selected as aforesaid; but any sheriff of such county who shall wilfully omit or neglect to follow the rule hereby made for the selection of the grand jury shall be liable, on a complaint made to the judge of assize, to be fined such sum as to such judge shall seem proper.

10. In all cases in which, under the powers vested in them by law in that behalf, the Commissioners of Public Works in Ireland shall agree with any county council to grant one moiety of the expense of any road or other public work, on such county council securing the payment of the other moiety thereof by passing a resolution for raising the same, it shall be lawful for the said Commissioners either to execute the said work by persons employed by them, or to permit such county council to execute the same in the manner required by the Grand Jury (Ireland) Act, 1836, for other public works of the like nature: provided always, that it shall not be lawful for such county council in any case to pass a resolution for payment of such moiety, except after and upon a proposal duly formulated in accordance with any Order in Council made under the Local Government (Ireland) Act, 1858.

15. The Grand Jury (Ireland) Act, 1836, shall continue in full force and effect save and except so far as the same is expressly repealed or altered by this or any other Act or any Order in Council under the Local Government (Ireland) Act, 1858, and the said Act of 1836 and this Act shall be construed together as one Act to all intents and purposes whatsoever.

19. This Act shall extend only to Ireland.

Extent of Act.

THE COUNTY DUBLIN GRAND JURY ACT, 1844.

7 & 8 VICT. c. 106.

An Act to consolidate and amend the laws for the regulation of grand jury presentments in the county of Dublin. [26th August 1844.]

5. It shall not be lawful for the same person to be appointed secretary of the council of the county of Dublin and clerk of the peace, or clerk of the crown, or treasurer of any county, or poor rate collector.

Secretary shall not be the clerk of the peace, &c.

12. It shall be lawful for the council of the said county at any quarterly meeting, upon a proposal of a proposal committee, to resolve that such sum or sums of money shall be raised off the county at large as shall be necessary for building, rebuilding, enlarging, repairing, altering, hiring, furnishing, or fitting up any court house, or sessions house therein for any purpose required by law.

Council may resolve that money be raised off county at large for building, repairing, &c., of court houses.

14. If, in any town or place at which the Lord Lieutenant hath directed or may hereafter direct that a quarter sessions of the peace, or any adjournment thereof, shall be holden for the despatch of civil or criminal business, there be not a sufficiently commodious or convenient sessions house, it shall be lawful for the Lord Lieutenant to direct any architect or engineer as he shall deem advisable to prepare such specifications, maps, plans, sections, and elevations as may be necessary for the erection of a sessions house, therein expressing the nature and probable expense of the works, and the materials proper to be employed, and the same shall be delivered to the secretary of the county council, who shall lay the same, together with a copy of the warrant of the Lord Lieutenant, before the county council, at their quarterly meeting next after the time at which he shall receive the same; and the county council shall examine such specifications, maps, plans, sections, and elevations, and such others as may be laid before them and either adopt the same, or make such alterations therein as they may think proper, or reject the same, and shall resolve that proper and sufficient sessions house shall be provided or built in such town or place within the period of one year from the last day of such meeting, and that a sum not exceeding one thousand pounds shall be levied off the county for that purpose at one time, or by instalments, to be completed within the period of five years; and the architect or engineer shall thereupon prepare a form of tender for the execution of such work, and shall deliver the same to the secretary of the county council, who shall lay the same, together with the resolution and the

Tendering for construction of sessions house.

specifications, maps, plans, sections, and elevations, as approved of by the county council, before a quarterly meeting of the proposal committee to whom the council shall refer such resolution to be considered as if it were an application, and upon the consideration thereof the proposal committee shall formulate a proposal for the execution of the works which shall not be deemed a provisional proposal and shall direct within what period before the day to which such committee may be adjourned tenders for the execution of the works shall be received; and the tenders that shall be made for the execution of such works shall be opened at the adjourned quarterly meeting of such committee, and dealt with in all respects in like manner as any other tenders received in respect of proposals formulated by a proposal committee: provided always, that if such resolution shall not be passed, and a valid contract for executing such work shall not be entered into, within the period of six calendar months from the quarterly meeting at which such warrant shall have been laid before the county council, it shall be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in Ireland to build or provide such sessions house; and on the production to the county council at any quarterly meeting of the certificate of the secretary of such Commissioners that a sum not exceeding the sum of one thousand pounds has been expended in building such sessions house and purchasing a site for the same, or for either of such purposes the county council shall and they are hereby required to resolve that the sum so certified shall be levied off such county in one payment, and be paid to the secretary of the said Commissioners, in satisfaction of the sum so expended: provided also, that in case the said Commissioners of Public Works shall find it convenient to take a lease of any premises for the purpose of building such sessions house thereon, they shall be at liberty to do so, and to engage to pay an annual or other rent for the same, not exceeding the sum of fifty pounds per annum, and the county council shall and they are hereby required from time to time to resolve that a sum equal to the amount of such rent shall be levied off the county, and paid in discharge of the same.

15. It shall be lawful for the secretary of the county council, under direction of a proposal committee, to advertise in the public newspapers for surveys, specifications, maps, plans, sections, and elevations from professional engineers and architects, for the erection, alteration, and repair of such buildings as may be required for the public use of the county, or for the construction of any bridge or other public work, the probable cost of which shall exceed one thousand pounds, and to offer a sum not exceeding fifty pounds as remuneration to the engineer or architect whose plans shall be approved of; and it shall be lawful for the county council to resolve that such remuneration shall be paid, and such engineer or architect employed, should they judge it necessary, in superintending the work to be executed pursuant to his plan, on such terms as may be determined by the council.

17. It shall be lawful for the council of the said county, and they are hereby required, to resolve at each quarterly meeting, without any proposal of a proposal committee, that there shall be raised upon such county all such sum or sums of money

as shall be necessary for paying such rent or rents of any court house or sessions house, or their appurtenances respectively, as shall from time to time be payable for the same.

19. It shall be lawful for the council of the said county, at any quarterly meeting, without any proposal of a proposal committee, to resolve that there shall be levied off such county at large, such reasonable sum or sums as they shall think proper, for providing fuel or light for each and every or any court house or sessions house in or belonging to such county; provided that no order for payment shall be made until the person to whom any such sum shall be payable under such resolution shall prove, to the satisfaction of the finance committee, by an affidavit sworn by him before some justice of the peace, or by other evidence, that the sum required to be paid hath been duly expended in the purchase of fuel for the use of such court house or sessions house, pursuant to such resolution, and that the whole of such fuel hath been consumed in the said court house or sessions house, and for the use and benefit thereof, or, if any part of such fuel shall not have been consumed, stating how much thereof has been consumed, and that the residue then remains in safe keeping, to be applied to the use of the said court house or sessions house in like manner.

20. It shall be lawful for the council of the said county to resolve that there shall be levied off the county at large, for each of the places wherein petty sessions shall be appointed to be held, an annual sum not exceeding ten pounds for the rent of a room or rooms for the holding of petty sessions thereat, and of a lock-up room or house: provided always, that such room or rooms shall not be in a house where spirituous or fermented liquors are sold, nor in any police barrack, nor in any other building maintained either wholly or in part at the public expense: provided also, that whenever a public court house shall have been built and provided at any place so appointed, no such resolution shall be passed, but the petty sessions shall be held in such public court house, and not elsewhere: provided also, that it shall be proved, to the satisfaction of the proposal committee to whom application shall be made for such rent, that six meetings of justices, during the six months immediately preceding such application, have been held in such room or rooms.

21. It shall be lawful for the council of the said county to resolve, without any proposal of a proposal committee, that there shall be levied off such county at large any annual sum not exceeding twenty pounds for the court keeper of Kilmashnam, and not exceeding eight pounds as a salary or payment for the keeper of any other sessions house belonging to such county where the general quarter sessions of the peace are held, and any annual sum not exceeding ten pounds for an interpreter, if such payment shall be recommended by the court.

22. It shall be lawful for the county council as aforesaid, upon a proposal of a proposal committee, to resolve that there shall be raised off the county at large any sum or sums of money for making or repairing a gallows, or for bolts and shackles, not exceeding in the whole in any one

Secretary of the council may advertise for plans, &c.

Tiths of court and sessions houses.

Post, &c., for court houses.

Cost of petty sessions houses.

Salaries of court house keepers, &c.

Expenses of sessions.

year the sum of twenty pounds, and also for erecting or repairing direction posts, milestones, mile posts, or depots for materials, not exceeding one pound for each direction post, milestone, mile post, or depot, also the necessary expenses incurred in printing the several notices and other documents, accounts, and abstracts herein directed or authorised by the county council at any quarterly meeting to be printed.

Support of
fever hospital.

23. Where any fever hospital is now or shall be hereafter established in such county by private subscriptions or donations, and a certificate of the sum or sums of money actually received by the treasurer of such fever hospital from private subscription or donation since the last application for any such payment as is hereinafter authorised, or since the establishment of such fever hospital, and a statement of the number of persons admitted or relieved, together with an account of the receipt and disbursement of all monies raised by virtue of any resolution for such fever hospital, as well as of all monies actually received from private subscription or donation for the use of such fever hospital, since the date of such last application or establishment, shall have been laid before the quarterly meeting of the proposal committee to whom the application for a payment for such fever hospital shall be referred by the council, and such certificate and account, verified upon the oath of such treasurer, shall, together with such application, have been allowed and approved of at such meeting, and a proposal made in respect of such application, it shall be lawful for the council of the said county at a quarterly meeting, without any further or other proposal, to resolve that there be raised off the said county, or any district or districts thereof, as to such county council shall seem fit, a sum not exceeding double the amount of such private subscriptions or donations so received, to be paid to the treasurer of such fever hospital, and applied (under the direction of the subscribers of any annual sum of not less than one guinea, or such committee of them, not fewer in number than five, as they shall appoint for that purpose at any general meeting of such subscribers), together with the monies received by private subscription and donation, in fitting up and supporting such fever hospital: provided always, that no such resolution shall be passed unless it shall appear by the certificate of such treasurer, verified as aforesaid, that the medical attendant resided since the creation of such hospital, or during the whole period of twelve months next preceding the application (whichever shall be the shorter period), at or within one statute mile of such hospital.

Erection of
fever hospital.

24. Whenever it shall be made appear by statement on oath to the council of the said county that there has been actually received from private subscriptions or donations any sum or sums of money for the purpose of erecting any house to be applied to the reception of fever patients, and either connected with any local dispensary or not, as the case may happen, and upon a certificate by one or more physicians that there is a necessity for providing accommodation for such patients, it shall be lawful for such council to resolve that there shall be raised off such county at large any sum not exceeding double the amount of the sum or sums so raised by donation or subscrip-

tion, and actually received by the treasurer, to be applied, together with the monies so received by private donation or subscription, in erecting such house for fever patients, in such manner as the subscribers of any sum not less than one guinea, or such committee of them, not fewer than five, as they shall appoint for that purpose at any general meeting of such subscribers, shall in their discretion deem most advisable: provided always, that the affidavit and certificate herein mentioned and an account of the receipt and expenditure of such fever hospital from the time of its establishment to the time of the first payment required, and afterwards from the time of such payment required till the time when any further payment is required, shall, together with the notice of application for the sum then required, have also been laid before the quarterly meeting of the proposal committee to whom the application for such payment shall be referred by the council, and that such affidavit, certificate, account and application shall be approved thereof, and a proposal made on such application.

25. Whenever the Lord Lieutenant, by and with the advice of her Majesty's Privy Council in Ireland, shall, under the provisions of the Lunacy (Ireland) Act, 1831, or any Act assenting the same, have before the appointed day ordered and directed any sum or sums of money to be advanced, issued, and paid out of the growing produce of the Consolidated Fundraising in Ireland, for the purpose of erecting and establishing, opening, carrying on, enlarging, maintaining, or supporting any asylum for the lunatic poor, the council of the said county shall and they are hereby required (after any such asylum shall be fit for the reception of such lunatic poor) to resolve at any quarterly meeting, without any proposal of a proposal committee, that such sum or sums of money shall be levied off such county at large as shall be necessary for the repayment of any such sum or sums so advanced, or any part thereof, at such times and in such proportions as shall be directed and ascertained by any Order or Orders to be made by such Lord Lieutenant in Council as aforesaid.

Payment of
allowance for
lunatic
asylum.

26. It shall be lawful for the council of the said county at any quarterly meeting, and they are hereby required, to resolve that there shall be levied off the county at large, or off any district or any portion of a district (as the case may be), all and every such sum or sums of money as may be chargeable upon and directed to be levied off such county, district, or portion of a district, by and under the provisions of any Act or Acts for the appointment, maintenance, and regulation of the constabulary force in Ireland; and every such resolution shall be passed without any proposal of a district council or proposal committee, and in all respects pursuant to the regulations of the said Acts, or such of them as may be applicable to the case; and the money levied under every such resolution shall be paid over in such manner and to such bank or person as the Treasury shall direct: provided always, that nothing herein contained shall extend or be construed to extend to authorise any county council to resolve that any sums of money for the maintenance or support of the constabulary shall be raised off such parts of the said county as are assessed for the support of the metropolitan police, and exempted from assessment for the constabulary under the Dublin Police Act, 1837.

Maintenance of
constabulary.

Trophoblasts and mRNAs

40. Where any person shall have been tried for any felony or misdemeanor whatsoever committed or alleged to have been committed in the said county of Dublin, it shall be lawful for the court before whom such person shall have been tried, in case it shall appear that there was a reasonable ground of prosecution, and cause for the same being defrayed by the county of Dublin, to order the treasurer of the said county to pay to the prosecutor, upon his application, such sum of money as to such court shall seem reasonable, not exceeding the expenses which it shall appear to the court that such prosecutor may have *lost* incurred in carrying on such prosecution; and in case such prosecutor shall appear to the court to be in poor circumstances, such court may make a further reasonable allowance to such prosecutor for trouble and loss of time, which order the clerk of the crown or clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such prosecutor, without fee or reward; and when any person shall appear on recognizance or subpoena to give evidence as to any felony or misdemeanor whatsoever committed or alleged to have been committed in the said county of Dublin, whether the prosecution of such felony be commenced or carried on by or under the direction of any law officer of the crown, or any other person, it shall be lawful for the court before which such person shall appear, whether any bill of indictment be preferred or not to any grand jury, in case such person shall have *lost* *been* extended in obedience to such recognizance or subpoena, to order the treasurer of the said county to pay unto such person such sum of money as shall seem reasonable, not exceeding the expenses which it shall appear that such person has *lost* *been* incurred by reason of the said recognizance or subpoena; and in case such person shall appear to be in poor circumstances, such court may make a further reasonable allowance to such person for trouble and loss of time, which order the clerk of the crown or the clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such person; and such treasurer is hereby authorized and required to pay to any such prosecutor or witness respectively, or to any person by him or her authorized, any such sum of money so ordered; and the council of the said county shall, at their quarterly meeting next after any such payment resolve that all sums so paid to such prosecutors and witnesses respectively shall be raised either off the county at large or upon any district thereof, as to such council shall seem fit; and such resolution may be passed without any proposal of a district council or regional committee.

Keywords: the
suppression of
attention.

42. It shall be lawful for the council of the said county, at any quarterly meeting, if they shall think fit, to resolve, without any proposal of a district council or proposal committee, that any sum of money not exceeding the sum of twenty pounds shall be raised for each and every person who shall apprehend and prosecute to conviction any person guilty of any murder, and also that any sum not exceeding the sum of ten pounds shall be raised for each and every person who shall apprehend and prosecute to conviction any person guilty of any other capital felony, or of any misdemeanour, for which any person on conviction may be liable to be sentenced to penal servitude instead of transportation; such sum or sums to be raised of each county or any district thereof.

as such county council shall think proper, and to be paid to any prosecutor or prosecution of such offenders as aforesaid.

550

43. Upon the removal of any prisoner apprehended according to law in any other part of the United Kingdom, and charged with any offence committed within the said county of Dublin, it shall be lawful for the council of the said county, upon being satisfied that such expenses are reasonable in amount, and fairly chargeable upon the said county of Dublin, to direct the treasurer of the council to repay, out of any funds to their credit, the expenses attending the removal of such prisoner; and the council of the said county shall, at the next quarterly meeting, resolve that the amount so paid shall be raised off the county at large; and such resolution shall be passed without any proposal of a special committee.

45. All county and other officers and persons mentioned and specified in the schedule No. 15, to this Act annexed shall be paid and remunerated for their respective duties, services, and expenses by annual salaries; and, save where otherwise provided by any enactment, the county council at any quarterly meeting shall and may resolve (without any proposal of a proposal committee) that there shall be raised for each such officer off the county at large the amount of such annual salary as shall be agreed upon by said council: provided always, that on any vacancy occurring in the said office, as set forth in schedule No. 15, of this Act, either by death or otherwise, the person or persons appointed to fill said office shall be paid according to schedule (B.) in the Grand Jury (Ireland) Act, 1836.

Number of
country offices

47. In case at any time a special commission shall be held within the said county for the trial of offenders, the county council, at the quarterly meeting next immediately ensuing, shall and may, without any proposal of a proposal committee, resolve that a further payment shall be made to the clerks of the crown, sheriffs, and judges crier, not exceeding one-fourth of their annual salaries.

Further progress must be made in the field of special education.

48. The payments to be made under this Act to the secretary of the county council shall be in full acquittance of all demands to be made on such secretary for stationery, which such secretary shall be bound to furnish to the county council without further charge, not however including the expense of any printing; such stationery however shall not be understood to include any books, notices, or abstracts which may be herein required, or which may be necessary for keeping the several accounts of the county; and it shall be lawful for the county council to resolve that such sum or sums shall be raised as may be necessary for defraying the expense of same.

Payments to Secretary shall include:

51. It shall be lawful for the council of the said county to resolve that there shall be levied on such county at large, without any proposal of a proposal committee, such sum or sums of money as may be necessary, or shall have been expended under the direction of the county council, for or in using any treasurer, poor rate collector, or collector of any public money, or any of their clerks, executors, or administrators, for any misconduct, breach of duty, or nonpayment, or for recovering any public money from any treasurer, poor rate collector, or collector of any

g. Policy officers
duty

public money, or their sureties, executors, or administrators, or for using any contrivance under this Act, or under any Act in force in Ireland at the time of the passing of this Act, his sureties, executors, or administrators, for any breach of contract, or any other necessary costs attending county council business provided always, that no such resolution shall be passed unless there shall have been laid before such county council a bill, duly taxed and certified by the proper taxing officer, of the costs incurred for any of the purposes aforesaid, for which such resolution shall be required, nor unless it shall be proved that such costs could not be recovered from the person sued, or any other person liable to pay the same, and that the proceeding was instituted by the direction of the county council at some previous quarterly meeting.

55. It shall be lawful for the council of the said county, upon a proposal of a district council, to resolve that such sum or sums of money shall be raised as may be necessary for lowering any hill, or filling up any hollow, or both, on any public road, and for making the road thereon, with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet, built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for holding or repairing any wall or part of a wall necessary to the support of, or to prevent any steep banks of earth from falling upon, any such road, or for erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or halts on the side of any public road, to be raised either off the county at large, or off the district or districts in which the same may be locally situate.

54. Where a river or stream or where any road is the boundary between the county of Dublin and any other county, so as that one side of such road shall be in the said county and the other side in another county, it shall not be lawful for the council of either county to resolve to raise on either county, or upon any district of either county, more than one half of the sum required for building, rebuilding, repairing, enlarging, or altering any bridge, pipe, arch, or gullet over such stream or river, or for repairing, making, or widening any such road; and no application for payment on account of any such resolution shall be allowed, unless it shall have been resolved that an equal sum be raised for the said work on the adjoining county, or some district thereof.

55. It shall be lawful for the county council to resolve that any part of any public road be widened to any breadth not more than fifty feet in the clear, or that such roads as the surveyor may report to be unnecessarily wide be narrowed, and that all such sum or sums of money be raised as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any part of any public road, or for filling up any gaps or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dikes or holes on the sides of any public road, or turning the backs of ditches to any road, or for making, widening, or deepening drains on the side of any such road, and carrying off the water there-

from, or for making any pound or pounds in any district, to be levied off the district or districts where the same shall be situate.

56. It shall be lawful for the council of the said county at any quarterly meeting to resolve that any footpath be made or repaired along the side of any road in respect of which they may have authority to pass a resolution, and that such sum or sums of money as may be necessary for making or repairing the same be levied off the district or districts in which such footpath shall be locally situate.

57. It shall be lawful for the council of the said county to resolve that any public road within such county, or any part of such public road, or any footpath upon the side of such road, be gravelled or repaired with broken stone, or the pavements of any bridge upon such road be kept in sufficient order and repair, by contract, for any space of time not exceeding five years, and also from time to time to resolve that such sum or sums of money be raised as shall be necessary for the execution of any of the above-mentioned works, and the payment of the person or persons with whom such contract for the execution of the same shall have been made, to be levied or raised off any district or districts in which such road may be locally situate, and when it passes through more than one district then proportionally on each district: provided always, that in case it shall appear to the county council on the report of the county surveyor, at any time during the continuance of any contract for keeping any road in repair, that such road is not in proper repair, the county council, or the county surveyor on their behalf, shall require the contractor to put the same in repair; and if such contractor shall neglect to do so within ten days after he shall have been so required, the county council, or the county surveyor on their behalf, shall cause the same to be repaired, and the expense thereof shall be deducted and repaid out of the sum which would be payable to such contractor if the road had been kept in proper repair.

58. It shall be lawful for the said county council, at any quarterly meeting, to resolve that any new road be laid out and made of any width not less than sixteen feet nor more than fifty feet in the clear, and that all such sum and sums of money be raised as shall be necessary for laying out, or for forming, levelling, and draining, or for gravelling, paving, and making the same, and also for making fences thereto, to be levied on the district in which the same shall be situate, and when it passes through more than one district then proportionally on each district.

59. It shall be lawful for any person or persons to survey and measure any line intended for a new road for the making of which an application is to be made, and for that purpose to enter in and upon any lands or premises through which such intended line may pass: provided that such person or persons shall be thereunto authorized by a certificate in writing under the hand of the county surveyor, stating that such survey and entry to make the same is proper, and that such certificate shall be allowed by two justices of the peace for the said county, such allowance being signified under their hands by endorsement upon such certificate.

Lowering hills, building and repairing bridges, &c., either as county or district.

Where road or river is a boundary.

Widening and repairing roads, and filling up drains.

Making and repairing footpaths.

Repairs of roads and footpaths to be contracted not exceeding five years.

Making of new roads.

Surveyor for new roads may be authorized on certificate of two justices.

Board of Works
may employ
persons to execute
works in
certain cases.

63. In all cases in which, under the powers vested in them by law in that behalf, the Commissioners of Public Works in Ireland shall agree with the council of the county of Dublin to grant one moiety of the expense of any road or other public work, on such council undertaking the payment of the other moiety thereof by passing a resolution for raising the same, it shall be lawful for the said Commissioners either to execute the said work by persons employed by them, or to permit the county council to cause the same to be executed in the manner required by the Grand Jury (Ireland) Act, 1836, or this Act in other public works of the like nature; provided always, that it shall not be lawful for the county council in any case to pass a resolution for payment of such moiety, except upon a proposal duly made in accordance with any Order in Council under the Act.

Proceedings
required before
passing of re-
solution.

65. It shall not be lawful for the council of the said county to pass a resolution for any public work whatsoever, or for raising any money, for which a proposal shall not have been made either by a district council or a proposal committee of the county council, as the case requires, save and except such resolutions as may be herein specially excepted, and also save and except such resolutions as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, galleys, walls, or buildings, which have happened so recently as not to admit of the ordinary procedure relating to the repair of public works being followed.

Contractor not
allowed to be
proceeding with
his contract, until
he has received
his money as
certified.

106. If, in the opinion of the county council on the report of the county surveyor, the contractor for any county work shall be guilty of neglect or inattention in the performance of his contract, it shall be lawful for such council to summon the said contractor and his sureties before the justices at petty sessions of the district in which such work may be situated; and if such charge of neglect or inattention be established before such justices it shall be lawful for them to make an order directing the said contractor and his sureties to complete his contract within a period to be stated in such order; and if at the expiration of such period the county council shall still see reason for being dissatisfied with the manner in which such work has been executed, it shall be lawful for them again to summon the contractor and his sureties before the justices at petty sessions, and the justices shall thereupon proceed to inquire into and finally adjudge upon the complaint; and if it shall appear that such work has been inefficiently executed, and contrary to the terms of the contract, it shall be lawful for such justices, having ascertained the amount which it may require for the completion of such work according to the contract, to authorise such council to complete the same, and to levy such amount by warrant of distress upon the goods of such contractor or his sureties.

Provision for
the use of money
for a specified
purpose.

110. If any person shall by himself, his friends or agents, directly or indirectly give or promise to give any money, or any security for money, or other consideration, to any person or persons, in order to procure the appointment to the office of clerk of the peace, secretary of the county council, surveyor, or any other office or employment in this Act mentioned, or in order to procure the resignation of any person or persons holding such

office, or in order to influence the votes of the persons who may have the appointment to such office, he shall be incapable of holding any such office or employment, and shall forfeit for every such offence a sum of one hundred pounds to any person who will sue for the same; and such sum may be recovered by civil bill before the recorder of Dublin, or by action in the High Court.

County build-
ings may be
insured.

114. It shall be lawful for the secretary of the said county council for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the council to insure, and for such sum as he shall be so directed; and such policy shall vest in the secretary for the time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be lodged by him to the credit of the council, and shall be applied to public purposes, from time to time, as the council shall direct, by any resolution; and the county council shall have the power, without any proposal of a proposal committee, and are hereby required from time to time to resolve that there shall be levied off the county at large the premium and other charges payable on such policy, and that the same shall be continued; and the treasurer of the council shall from time to time pay such premium.

In cases of
sudden death
notice to give
notice thereof
to the coroner
of the district.

129. Whenever any death attended with suspicious circumstances shall occur, or any dead body be found in any district, it shall be the duty of the superintendent of metropolitan police, acting for the district in which such death may take place, or in his absence for the head constable or other constable having charge of such district, to give immediate notice thereof to the coroner of the district in which such death may have taken place, or said dead body have been found, and if his attendance cannot be obtained, then to the coroner of the other district, in order that an inquest may be held.

Contractor and
surveyor may
take notice of a
forfeiture, &c.

136. The county surveyor, and every contractor for any work to be executed in pursuance of a resolution of the county council, shall have power and authority to dig for, raise, and carry away in or out of any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or foot path; and such surveyor or contractor is hereby further empowered to make drains, in order to carry off water which might injure any bridge, gullet, arch, pipe, wall, or road, in or through any lands not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, and shall make such satisfaction for the damage done thereby, or by taking any such materials as aforesaid, as shall be agreed upon between the parties, or assessed by three appraisers, which appraisers shall view the ground immediately previous and immediately after such damages shall be committed, one of such appraisers to be named by the owner or occupier of the land, and another by the

Drains to be
excavated by
three appraisers.

surveyor or contractor, and the third by any neighbouring justice of the peace; and in case any surveyor or contractor shall refuse, or, after four days notice in writing from such landholder, neglect to cause an appraiser on his part, then one shall be named for him by such justice; and such three appraisers shall be sworn by each justice of the peace (previous to the damage being committed) to be appraisers of such damages as may occur, and to make a true estimate thereof, in which estimate the value of any stones, gravel, or other materials shall not be included, but only the waste committed by breaking the surface, and making a passage through the land, unless where such stones, gravel, or materials shall be taken from any quarries or gravel pits *lawfully* denuded, with liberty to work the same; and the amount of the damage to be awarded shall be paid to the owner or occupier of the ground as awarded, and one shilling each to the appraisers, within one week after the award, and in default of payment may be recovered in summons before any justice at petty sessions: provided always, that it shall not be lawful for any such contractor or surveyor to enter any lands for any such purpose against the will of the occupiers thereof without the previous order of two justices of the peace at petty sessions, which order such justices are hereby authorised and required to grant, on its being proved to their satisfaction that the gravel, stones, or other materials sought cannot be conveniently procured elsewhere, nor such drain otherwise sufficiently made or cleaned.

147. Every district inspector, head constable, and other constable shall and he is hereby required to report all such nuisances as shall occur within his district to the magistrate or magistrates at petty session next to be holden in and for the said district, who shall hear and decide, and punish by fine or otherwise as may be by law directed.

148. No contract for any public work under the provisions of this Act, or any recognisance to be entered into for the execution of the same by virtue of this Act, or any receipt given by any collector under this Act, shall be liable or subject to any stamp duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the amount of any such contract, or the sum for which any such recognisance shall be conditioned, or the sum sought to be recovered by virtue of such recognisance or contract, shall not exceed the sum of one hundred pounds, it shall be lawful to proceed against any such contractor or his securities for such sum or for damages for the breach of any such contract, by civil bill before the recorder of Dublin, and the said chairman shall have full power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law be had or used before such recorder.

153. It shall not be lawful for any justice of the peace or any other person to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act;

and if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall be lawful for the county council, without any proposal of a district council or proposal committee, to pass such resolutions for defraying the prosecution of such delinquents as to them may seem fitting and expedient.

155. The several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the schedule annexed to this Act shall be deemed and taken to be part thereof; and no notice, recognisance, warrant, resolution, or other proceeding or matter whatsoever, served, made, passed, or had under this Act, shall be impeached on any technical or formal grounds, or for any informality, provided it shall be in substance conformable to the provisions of this Act.

156. In this Act, unless the contrary thereof is expressed or the context otherwise requires, the expression "county of Dublin" shall mean the administrative county of Dublin; the word "district" shall mean a county district; the word "park" or "house" shall be considered and deemed to include and be construed to mean a court-yard, garden, or orchard; the words "supervisory magistrate" shall include a justice or magistrate of police; the word "petty sessions" shall be deemed or taken to include a police divisional office; other words and expressions shall have the same meaning as in the Local Government (Ireland) Act, 1898 (hereinafter referred to as the Act); and words importing the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE No. 15.

County officers in the county of Dublin.

County of Dublin.

Clerk of the peace.
Clerk of the crown.
Secretary.
Sheriff.
Gaoler of Kilmainham.
Crier at Kilmainham.
Crier at the Queen's Bench.
Crier in the Commission Court.
Court Keeper in Queen's Bench.
Court Keeper in Queen Street.
County surveyor.

THE GRAND JURY (IRELAND) ACT, 1853.

16 & 17 Vic. c. 136.

An Act for enabling grand juries in Ireland to borrow money from private sources on the security of presentment, and for transferring to counties certain works constructed wholly or in part with public money.

[30th August 1853.]

1. It shall be lawful for the council of any county or county borough at any quarterly meeting to resolve that any sum or sums of money shall be raised for the purpose of any public work which by law it is or may be competent for them to resolve shall be executed (the estimated cost of which shall not be less than one thousand pounds) in order to obtain advances by way of loan from parties willing to make such advances, and to set forth in such resolution that such sum or sums of money shall be raised and levied by half-yearly instalments of not less than ten pounds per centum per annum of the whole sum to be expended, and likewise to resolve that there shall be raised a sum sufficient to pay the annual interest of such sum or sums to be so expended, and from time to time remaining due, at such rate (not exceeding five pounds per centum), and to set forth in such resolution what part thereof shall be raised upon any district or districts in such county, or on the county at large; and the county council are hereby authorized and required from time to time, without further authority or resolution in that behalf, to include in the amount which is to be raised for county at large or district charges, as the case may be, such portion or portions of the whole sum so resolved to be raised, together with such sum for interest thereon, as may be necessary for the purpose of paying the instalments and interest as aforesaid to any party or person who may have made any advance on the faith of such resolution; and it shall be lawful for any such county council in every such resolution to nominate and appoint a committee, to treat and agree and contract for a loan with any party or person willing to make the same on the security of such resolution, and for the rate of interest which shall be paid on any such loan, and otherwise to carry the said resolution into effect, and every such resolution may be in the form in the first schedule to this Act annexed.

2. All money advanced under the authority of this Act on the credit of any such resolution shall entitle the party or person advancing the same or his legal personal representative or assignee to be repaid with interest in the manner herein-before mentioned; and such advance shall be paid over to the treasurer of such county or county borough, and accounted for by him in like manner as any other monies by him received for the use of such county or county borough, and all securities given by him shall extend to such monies: provided always, that any such resolution as aforesaid shall not be passed except upon a proposal made by a district council or proposal committee of the county council.

3. When and so soon as any such resolution as aforesaid shall have been duly certified by the secretary of the county council, it shall be lawful for such committee or any three or more of them

to treat, agree with, and contract for a loan or advance by any party or person willing to make the same on the faith of such resolution, to the amount thereof or such part thereof as may be necessary, and also to agree and contract for the rate of interest (not exceeding the limit aforesaid) to be paid in respect of such loan or advance, and the terms of every such contract and agreement shall be reduced to writing, on a certified copy of such resolution, and signed by the said committee, or any three or more of them, and by the party or person making such loan or advance, and delivered over to such party or person, and held by him as security for every such advance, until the whole of the sum actually advanced, with interest thereon as agreed upon, shall be fully paid off and discharged.

4. All monies in the treasurer's hands shall be applicable and be applied to pay the instalments of principal with interest thereon, according to the terms of any such resolution and the contract and agreement as aforesaid, to the person who may have advanced money on the security of any such resolution, and if it shall happen that any money shall have been raised by virtue of any such resolution which will not be required for the purposes for which it shall have been so raised, the same shall be carried to the credit of the county or county borough, or county district from which it shall have been raised.

5. Provided always, that where under any Act of Parliament the powers, rights, and duties of the grand jury of any county of a city or county of a town in relation to the appointment of presentment sessions, and the presenting and levying of rates and taxes for any purpose, were transferred to the council of any borough, the council of such borough shall have all the powers and authorities hereby vested in the council of a county, and the money included in any resolution or order to be made by such borough council under this Act shall be raised in such borough in manner by law provided with respect to money required for such purposes in relation to which the powers of the grand jury were transferred as aforesaid to such council; and the certificate of the town clerk of such borough on any such resolution or order shall be as effectual as the certificate of the secretary of the council in the case of a resolution by the council of a county.

6. In addition to the purposes for which county councils may by law pass resolutions, it shall be lawful for the council of any county or county borough to resolve that there shall be levied on the county at large, such sum or sums of money as may be incurred in defending such county in any legal proceedings in which such county council may consider that the rights of the persons paying poor rate should be defended and protected, and also such sums as may be necessary for any costs incurred in the conduct and management of any matter of business which any such county council may consider right and proper for the interests or benefit of such county should be confided to and conducted by any counsel, solicitor, or agent: provided, however, that no such resolution shall be passed unless there shall have been laid before such county council a bill duly taxed and certified by the proper taxing officer of the costs incurred for any of the purposes aforesaid for which such resolution shall be required.

Treasurer of county to pay party advance, &c. on the faith of resolution.

Where the powers of the grand jury for presentment were transferred to the council of a borough, such council shall have the same powers as a county council.

County council may resolve that expenses incurred in defence of county shall be paid.

7. Whereas under and by virtue of the Public Works (Ireland) Acts of 1831, 1836, and 1839, the Fisheries (Ireland) Act, 1846, and an Act of the session holden in the tenth and eleventh years of her Majesty, chapter seventy-five, certain harbours, piers, quays, landing places, and other works in Ireland were constructed or improved by the Commissioners of Public Works in Ireland wholly or in part with public money: and whereas, under and by virtue of the said last-mentioned Act, and an order made by the said Commissioners, dated the sixth day of February one thousand eight hundred and forty-nine, and published in the *Dublin Gazette* of Friday the sixteenth of February in the same year, several harbours, piers, quays, landing places, and other works on the sea coast of Ireland which within forty-five years before the passing of such Act had been made, wholly or in part, with public money advanced for the improvement of the fisheries, became vested in such Commissioners, and the counties liable to be charged with the cost of the repair and maintenance of such works (in case of the insufficiency of the tolls, rates, or rents accruing thereon), are set forth in such order: and whereas, in order to provide for the future maintenance and preservation of all the said harbours, piers, quays, landing places, and works constructed or improved by the said Commissioners as aforesaid, and of the like works which might be constructed or improved by such Commissioners under the said Acts, and also of the works so vested in the said Commissioners as aforesaid, which said harbours, piers, quays, landing places, and works theretofore constructed or improved as aforesaid, and vested in the said Commissioners as aforesaid, are respectively mentioned in the second schedule to this Act annexed, it was thereby provided that it should be lawful for the said Commissioners (by and with the consent and direction of the Treasury), by warrant under the hands of the said Commissioners or any two of them, from time to time to direct that any harbour, pier, quay, landing place, or other work mentioned in the said schedule, or which at any time should be erected, constructed, or made, altered or improved, by the said Commissioners, out of the sum of fifty thousand pounds and forty thousand pounds granted by the said Fisheries (Ireland) Act, 1846, and the said Act of the tenth and eleventh years of her Majesty, or any land at, about, or adjoining such harbour, pier, quay, or landing place purchased by and vested in the said Commissioners under the provisions of the said Acts or either of them, should be deemed and become the public property of the county in which such harbour, pier, quay, landing place, or other work might be situate, and that from and after the date of any such warrant such harbour, pier, quay, landing place, or other work, together with all ways, rights, members, and appurtenances thereto belonging, and such land, should be deemed and taken to be the public property of such county: and whereas all the works mentioned in the second schedule hereto annexed have from time to time been accordingly transferred to the counties in which they are respectively situate, and also the piers at Berrin and Ring in the county of Cork and the navigable cut or canal at Belmullet in the county of Mayo in accordance with the provisions of the Transfer of Works (Ireland) Act, 1854, it is hereby declared that all the works transferred as aforesaid shall henceforth, and all works hereafter

transferred under the aforesaid statutes shall from the date of transfer be held, maintained, and preserved by the council of the county in which they are respectively situate in like manner as any public or county road or bridge within such county the expense of which is or may be chargeable to such county or any district thereof: provided always, that nothing in this provision contained shall in any manner affect, alter, or abridge the powers of the said Commissioners under the said Fisheries (Ireland) Act, 1846, and the said Act of the tenth and eleventh years of her Majesty, or either of them, for the raising, levying, and recovering the amount specified in any dual award made or to be made by the said Commissioners, and therein stated to have been advanced by way of loan or the interest thereof: provided also, that the tolls and rates to be levied and paid for the use of any such harbour, pier, quay, landing place, or other work shall be from time to time fixed by the said Commissioners with the approbation of the Treasury, but all such tolls and rates shall belong to the county in which such work may be situate, and shall be levied, collected, and applied, under the direction of the council of such county, and payment thereof may be enforced by such person as they may appoint to receive the same, in like manner as payment of the tolls or rates for the use of such work as aforesaid may, under the said Acts or any of them, be enforced by the said Commissioners, or their lessees or officers: provided also, that nothing in this provision, or in any warrant of the said Commissioners for making any such harbour, pier, quay, landing place, or other work, the public property of any such county as aforesaid, shall prevent the said Commissioners from exercising the powers contained in the said Public Works (Ireland) Act, 1836, and the said Fisheries (Ireland) Act, 1846, in respect to the making, altering, or repairing of any bye laws, rules, orders, and regulations, as therein mentioned or in anywise affect the powers or provisions of the said Acts in relation to such bye-laws, rules, orders, or regulations, but such powers may be exercised by the said Commissioners in respect to any such harbour, pier, quay, landing place, or other work, as if no such warrant had been executed for vesting any such pier, harbour, quay, landing place, or other work in any such county as aforesaid.

8. It shall be lawful for the council of any county in which any such harbour, pier, quay, landing place, or other work may be situate to resolve that there shall be raised off the county at large, or any district or districts therein, such sum and sums of money as may from time to time be necessary for the repair and maintenance of any such work which may have become the property of any such county as aforesaid, and to contract for the maintenance and repair of any such work for any term not exceeding the term of seven years, and, without any proposal of a district council or proposal committee, to resolve that there shall be raised off such county at large, district or districts, from time to time the amount necessary to pay the person or persons with whom any such contract shall be made.

9. It shall be lawful for the council of the county in which any such harbour, pier, quay, landing place, or other work may be situate to appoint, from time to time as occasion shall require, a proper person, at such salary as they may think fit, not exceeding the sum of twenty

Nothing in
this provision
shall prevent
the said Com-
missioners from
exercising their
powers under the
said Acts, or
either of them,
for the raising,
levying, and re-
covering the
amount speci-
fied in any
dual award
made or to be
made by the
said Commis-
sioners, and
therein stated
to have been
advanced by
way of loan
or the interest
thereof.

Tolls and rates
to be levied by
the said Commis-
sioners for
the use of Public
Works, with
approbation of
the Treasury.

Nothing in
this provision
shall prevent
the said Com-
missioners from
exercising their
powers under the
said Acts, or
either of them,
for the raising,
levying, and re-
covering the
amount speci-
fied in any
dual award
made or to be
made by the
said Commis-
sioners, and
therein stated
to have been
advanced by
way of loan
or the interest
thereof.

County council
may resolve
that there shall
be raised off the
county at large,
or any district
or districts therein,
such sum and
sums of money
as may from time
to time be neces-
sary for the re-
pair and mainte-
nance of any
such work which
may have be-
come the prop-
erty of any such
county as aforesaid,
and to contract
for the mainte-
nance and re-
pair of any such
work for any term
not exceeding the
term of seven
years, and, with-
out any propos-
al of a district
council or propos-
al committee, to
resolve that there
shall be raised
off such county
at large, district
or districts, from
time to time the
amount neces-
sary to pay the
person or persons
with whom any
such contract
shall be made.

County council
may appoint
a proper person
at such salary
as they may
think fit, not
exceeding the
sum of twenty
pounds, to
superintend
the repair and
maintenance of
any such work
which may have
become the prop-
erty of any such
county as aforesaid,
and to contract
for the mainte-
nance and re-
pair of any such
work for any term
not exceeding the
term of seven
years, and, with-
out any propos-
al of a district
council or propos-
al committee, to
resolve that there
shall be raised
off such county
at large, district
or districts, from
time to time the
amount neces-
sary to pay the
person or persons
with whom any
such contract
shall be made.

pounds per annum, for enforcing the byelaws, rules, orders, and regulations (if any) which shall or may be made by the Commissioners of Public Works respecting any such work, and for the purpose of settling all disputes which may arise with respect to the occupation or use and the due and proper care and preservation of any such harbour, pier, quay, landing place, or other work; and such person so to be appointed shall be called "the harbour constable," and shall have, for the purposes aforesaid or any of them, in addition to the powers hereby or by any such byelaws given, the same rights, powers, and authorities as if he had been appointed to and formed part of the constabulary force established in and for any county in Ireland; and it shall be lawful for the council of any such county to resolve that the amount of the salary so agreed shall be paid to any such harbour constable, without any proposal of a district council or proposal committees.

10. One-half of every sum of money levied as a rate or penalty under the provisions of the said Public Works (Ireland) Act, 1836, and the said Fisheries (Ireland) Act, 1846, or either of them, or under or in respect of any byelaw heretofore made or which shall be made by the said Commissioners of Public Works, in respect of any such harbour, pier, quay, landing place, or other works, which shall have become the property of any such county, shall be paid to the informer or person who shall be the means of bringing to justice any person offending against such Acts or either of them or such byelaw as aforesaid, and the remaining half shall be paid to the treasurer of the county in which any such harbour, pier, quay, landing place, or other work shall be situate, to be by him brought to the credit of such county.

11. In case the Lord Lieutenant shall signify to the Treasury that any such harbour, pier, quay, landing place, or other work which may have become the property of any such county aforesaid is not kept and maintained in good and proper repair by the council of the county in which any such work may be situate, or that any sudden breach or damage has occurred to any such work, it shall be lawful for the Treasury in any such case, if they think fit, on an estimate being laid before them by the Commissioners of Public Works or any two of them, setting forth what sum will be requisite and necessary from time to time for the repair of any such harbour, pier, quay, landing place, or other work, and stating the situation of such harbour, pier, quay, landing place, or other work, and of the repairs required for the same, to direct that any such sum or sums of money required by such Commissioners, or any part thereof, be advanced and paid to such Commissioners out of the Consolidated Fund, to be applied under the directions of the said Commissioners in the repairing of any such harbour, pier, quay, landing place, or other work.

12. Whenever any such harbour, pier, quay, landing place, or other work shall be required under the direction of the said Commissioners of Public Works, the said Commissioners or any two of them shall certify to the Lord Lieutenant the total amount of the expense incurred by such repair, and thereupon the chief secretary of the Lord Lieutenant, or in his absence the under secretary, shall certify to the secretary of the council of any county within which any such

harbour, pier, quay, landing place, or other work shall be situate, the amount of money which shall have been expended upon the repair of such harbour, pier, quay, landing place, or other work within any and every such county respectively out of the advances authorised by this Act, together with the interest payable in respect of such advances; and every such certificate shall be laid before the council of any and every such county at their next annual meeting after the date of such certificate of the chief or under secretary, and thereupon the county council shall resolve that the amount of such expenses as stated in such certificate shall be raised off such county at large, or any district or districts therein; and when and as soon as such sum shall be raised and received by the treasurer of any such county, such treasurer shall pay over the same in such manner as the Treasury shall direct.

13. Where any sum of money under the said award of the Commissioners of Public Works already made, or hereafter to be made, is or shall be payable by any county and district, or either of them, in respect of moneys advanced by way of loan for or in respect of any harbour, pier, quay, landing place, or other work, under the provisions of the Fisheries (Ireland) Act, 1846, or of this Act, the same shall be payable by the council of such county; and the secretary of the said Commissioners shall certify to the secretary of such council the amount of such sum of money and the instalments and manner by and in which the same is payable, under the award of the said Commissioners; and such council are hereby required, without any proposal of a district council or proposal committees, to resolve that the amount mentioned in such certificate to be payable at the times and in the manner stated in such certificate shall be raised off the county at large and district, or either of them, as the case may be; and in default of such resolution being passed, the judge of assize, at the next assizes, shall order the amount mentioned in such certificate to be raised off such county and district, or either of them, as the case may be, and such order shall have the force and effect of a resolution of the county council; and the treasurer of the council shall pay the same out of moneys under his control as treasurer, and if these are insufficient, out of the first moneys coming under his control as treasurer, and such payment may, to the extent of any such moneys, be enforced against such treasurer in like manner as it might be enforced against the council.

14. Any sum of money which under any such award shall be payable by any proprietor of lands in respect of moneys advanced by way of loan for or in respect of any work under the provisions of the said Fisheries (Ireland) Act, 1846, together with interest for such sum, as by the said Act provided, from the date of such award, shall be paid and payable in such manner as the Treasury shall from time to time direct, in discharge of the loan, and interest thereon, chargeable on the lands of such proprietor, as mentioned in any such award; provided always, that nothing herein contained (save as lastly hereinbefore mentioned) shall in any manner alter or affect the provisions of the said Act with respect to repayment of such loan or the recovery thereof in case of nonpayment of the same.

15. In this Act, unless the context otherwise requires, the term "district" shall mean, except

County council to provide for raising moneys payable by county or district under award.

Moneys payable under awards by proprietors of lands to be paid as Treasury moneys.

Interpretation.

in section fifteen, a county district as defined in the Local Government (Ireland) Act, 1898, and the term "county" shall mean an administrative county; and the amount of each instalment herein directed to be raised, exclusive of interest, shall be held to be not less than ten per cent. of the whole amount of the sum resolved to be raised.

to pay the annual interest of the said sum of

The sum
fourteen.

or of such part of the same as shall from time to time remain due, at such rate not exceeding five per cent., as may be agreed upon; and we resolve that the said sum of

The sum above
mentioned for
interest.

FIRST SCHEDULE

County of 18 .

to wit. We the council of the
county of duly assembled at
the quarterly meeting, held at
in and for the said county on
the day of , in
pursuance of

Insert the Act
or Acts enabling
the county
council to pass
a resolution for
the work, and
the section of
each Act
respectively.

do resolve that the sum of be
raised for the purpose of

State for what
purpose the
resolution is
passed.

And further, in pursuance of the powers to us in
that behalf given in and by the Grand Jury
(Ireland) Act, 1853, and all other powers us
hereunto enabling and to enable us to borrow
the said sum of from any
person or person who may advance such sum;
and, in order to repay the same, we do resolve
that the said sum be raised and levied upon

State the dis-
trict or districts
or county at
large, as the
case may be.

by half-yearly instalments of

The instalment
cannot be less
than £10 per
annum per
section of the
whole sum to
be raised.

each, the first of said instalments to be
raised by means of the next poor rate made, and
the remaining instalments half-yearly thereafter,
until the whole of the said sum shall be raised
and discharged; and further, in pursuance of the
powers in the said Act contained, we do further
resolve that the sum of

Insert a sum
sufficient to
pay the annual
interest, which
will accrue
during the
period of the
loan.

be raised upon the

State districts
or districts or
county at large.

be raised half-
yearly in such sums as may be from time to time
required to satisfy the interest of so much of the
said principal sum as shall be and remain due
after the application of the sums resolved to be
levied for its satisfaction, such sums or instal-
ments to be raised upon the

State districts
or districts or
county at large.

half-yearly, until such principal sum shall have
been fully paid as aforesaid:

And we nominate and appoint

Insert here the
names of not
less than three
or more than
five persons to
act as a com-
mission.

to treat and
agree and contract for a loan with any party or
person willing to make the same on the security
of this resolution, and for the rate of interest
which shall be paid on such loan, and otherwise
to carry this resolution into effect.

[SCHEDULE

SECOND SCHEDULE REFERRED TO IN THE FOREGOING ACT.

Where situated.	Harbour, pier, quay, or other work, as the case may be.	County in which situated
Cahore	Pier	Wexford.
Arthurs town	Pier or landing quay	Wexford.
Ballinacourty	Pier	Waterford.
Harbour of Kinsale	Quay at Worldsend	Cork.
Cove of Kinsale	Quay	Cork.
Courtmacherry	Pier	Cork.
Glandore	Pier	Cork.
Baltimore	Pier	Cork.
Cape Clear	Pier	Cork.
Bea Island	Pier at Laurence Cove	Cork.
Bea Haven	Pier at Castletown	Cork.
Coolagh Bay	Pier	Cork.
Kenmare	Pier	Kerry.
Caherciveen	Pier	Kerry.
Castlemaine	Pier	Kerry.
Kilbaha	Pier	Clare.
Liscannor	Pier	Clare.
Burton	Pier	Clare.
Dooce	Pier	Galway.
Ardry	Pier	Galway.
Kilcolgan	Pier	Galway.
Claddagh	Piers	County of the town of Galway.
Berna	Pier	Galway.
Spiddle	Pier	Galway.
Greens Bay	Pier on the Island of Gorumna	Galway.
Kilkeany in the Island of Aran	Pier	Galway.
Bealadangan	The Pass of Bealadangan	Galway.
Roundstone	Pier	Galway.
Clifden	Pier	Galway.
Clegan Bay	Pier	Galway.
Leenane Killary Bay	Pier	Galway.
Cashla Bay	Pier	Galway.
Clew Bay	Pier at Old Head	Mayo.
Clare Island	Two small Piers	Mayo.
Achill Sound	Pier	Mayo.
Blackod Bay	Pier at Turnon	Mayo.
Belmullet	Pier	Mayo.
Blackod Bay	Pier at Saleen	Mayo.
Baghley	Pier	Sligo.
Bruckless	Pier	Donegal.
Newport	Pier	Donegal.
Killybegs	Quays	Donegal.
Teelin Harbour	Pier	Donegal.
Rathmullen	Pier	Donegal.
Greencastle	Pier	Donegal.
Portmuck	Pier	Antrim.
Carrickfergus	Pier	County of town of Carrickfergus.
Lambay Island	Pier	Dublin.
Island of Inchsturt	Pier	Mayo.
Broadhaven	Pier	Mayo.
Dooniver	Pier	Mayo.
Clew Bay	Pier at Roigh	Mayo.
Cashla Bay	Pier	Galway.
Ballyvaughan	Pier	Clare.
Annalong	Harbour pier, wharf and break- water	Down.
Arran Island	Pier and landing slip	Galway.
Quay Village Brandon Bay	Pier	Kerry.
Ballyrootin	Pier	Cork.
Ballyness	Pier	Donegal.
Banowen	Pier	Galway.
Banaberrig	Landing slip and wharf	Galway.
Banstruthen	Landing slip	Donegal.
Blackwater	Pier and roadway	Kerry.

SECOND SCHEDULE—continued.

Where situate.	Harbour, pier, quay, or other work, as the case may be.	County in which situate.
Billywalter	Pier and roadway	Down.
Billyvaughan	Pier and landing slip	Waterford.
Carlingford	Pier and roadway	Louth.
Castletown	Screw pile pier	Wexford.
Porter's Clogher Head	Harbour	Louth.
Cashendall (Red Bay)	Pier	Antrim.
Dingle	Pier	Kerry.
Dunany	Pier	Louth.
Duncannon	Pier and approach	Wexford.
Errisnagor or Loughswa Lea	Dock	Galway.
Fethard	Pier	Wexford.
Greystones	Landing wharf	Wicklow.
Greensand	Pier	Kerry.
Helvick Head	Landing slip and basin	Waterford.
Kilkierna	Pier	Galway.
Knightstown (Valencia)	Pier and breakwater	Kerry.
Kilnashillogh	Pier	Kerry.
Kilmore	Pier	Wexford.
Merville	Pier	Donegal.
Newport	Quay wall	Mayo.
Newcastle	Pier and breakwater	Down.
Poctorahilly	Pier	Donegal.
Roscoe	Pier	Galway.
Rush	Pier	Dublin.
Sea View (Mountcharles)	Pier	Donegal.
Shide	Pier	Wexford.
Skull	Pier and approach	Cork.
Tarros	Pier and approach	Galway.
Traury	Pier and landing slip	Kerry.

THE GRAND JURY (IRELAND) ACT,
1855.

19 & 20 Vict. c. 53.

*An Act to amend the laws relating to grand juries
in Ireland.* [21st July 1855.]

13. No rate or assessment made or hereafter to be made shall be in any manner affected by reason of any omission of the clerk of any county council or other person appointed in his place, to give or post the notice of the making of such valuation or revision required to be posted or given by the Valuation Acts as defined by the Local Government (Ireland) Act, 1855, or any of them, or by reason of any error, omission, misdescription, or variance in the making of such valuation or revision, and it shall not be necessary in any suit or other proceeding for recovery of or in relation to any such rate or assessment or any part thereof, or in relation to such valuation or revision thereof, to give evidence of the performance of any of the preliminaries required in the making of such valuation or revision.

17. If, in the opinion of the county council on the report of the county surveyor, the contractor for the repair of any road shall be guilty of neglect or inattention in the performance of his contract, it shall be lawful for such council to summon the said contractor and his sureties before the justices at petty sessions of the district in which such work may be situate; and if such charge of neglect or inattention be established before such justices, it shall be lawful for them to make an order directing the said contractor and his sureties to execute his contract within a period to be stated in such

order; and if at the expiration of such order the county council shall still see reason for being dissatisfied with the manner in which such work has been executed, it shall be lawful for them again to summon the contractor and his sureties before the justices at petty sessions, and the justices thereupon shall proceed to inquire into and finally adjudge upon the complaint; and if it shall appear that such work has been insufficiently executed, or contrary to the terms of the contract, it shall be lawful for such justices, having ascertained the amount which it may require for the completion of such work according to the contract, to authorize such council to complete the same, and to levy such amount by warrant of distress upon the goods of such contractor or his sureties, not exceeding the amount of the recognisance or bond of such sureties.

18. Any road contractor or other person who, without the authority of a resolution of the county council, or the consent of the county surveyor where such surveyor is authorised by the county council to give such consent, shall cut any sods or turf on the sides, fences, or any other part of any public road, or dig, raise, or carry away any sods, turf, earth, clay, stones, gravel, or other material from the sides, or fences or any other part of any public road, bridge, or wall, shall be liable to a fine not exceeding forty shillings, anything in section nine of the Summary Jurisdiction (Ireland) Act, 1851, to the contrary notwithstanding.

21. This Act shall not extend to the county borough of Dublin. *Legislation of Act.*

THE GRAND JURIES (IRELAND) ACT

1873.

35 & 36 VICT. c. 42.

An Act to amend an Act passed in the session of Parliament held in the sixteenth and seventeenth years of the reign of her present Majesty for enabling grand juries in Ireland to borrow money from private sources on the security of presentment, and for transferring to counties various works constructed wholly or in part with public money.

[6th August 1872.]

"Public work"
in Grand Jury
Act, 1873, to
include tolls.

1. The term "public work" for the purpose of which it is competent for the council of any county or county borough, under the provisions of the Grand Jury (Ireland) Act, 1853, to resolve that any sum or sums of money be raised, shall, as regards any resolution passed or to be passed under the authority of the said provision, be deemed to include and shall include the purchase of tolls payable on any bridge upon which toll is charged situate in such county, or county borough, or within five miles thereof or any interest in, or any lien or encumbrance on, such tolls.

THE GRAND JURIES (IRELAND) ACT,

1873.

36 & 37 VICT. c. 34.

An Act to amend an Act passed in a session held in the sixth and seventh years of the reign of King William the Fourth, chapter one hundred and sixteen, intitled An Act to consolidate and amend the laws relating to the presentment of public money by grand juries in Ireland. [7th July 1873.]

1. It shall be lawful for any county council in Ireland to resolve at any quarterly meeting that such sums of money shall be raised as may be necessary to repair or widen, to any width not exceeding fifteen feet, any towing path and trackway on the bank of any navigable river on which boats have been accustomed to be towed by horses, such sums to be levied off all the county districts in the county or riding of the county in which such towing path and trackway are situate; and the proposal for raising such sums may be made at a quarterly meeting of the council of the county district in which such towing path and trackway are locally situate.

County council
may resolve
that sums
required to
widen certain
towing paths
be levied off the
county at large

THE LOCAL GOVERNMENT (PROCEDURE OF COUNCILS) ORDER, 1899.

By the Lord Lieutenant and Privy Council of Ireland.

CADOGAN.

WHEREAS it is enacted by section one hundred and six of the Local Government (Ireland) Act, 1888, that the Lord Lieutenant by Order in Council may regulate the procedure of county and district councils in connection with the business transferred to them by that or any other Act from presentment sessions and grand juries.

Now, therefore, We, the Lord Lieutenant-General and General Governor of Ireland, by virtue of the powers vested in us for that purpose as aforesaid, and of all other powers enabling us in that behalf, by and with the advice of Her Majesty's Privy Council in Ireland, do order, and it is hereby ordered as follows:—

Short Title and Interpretation.

1. This Order may be cited as the Local Government (Procedure of Councils) Order, 1899.

2.—(1.) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

(2.) In this Order, unless the context otherwise requires, the expression "the Act" means the Local Government (Ireland) Act, 1892, and other expressions have the same meaning as in the Act.

Method of exercising Powers of making Presentments.

3. A rural district council shall exercise or perform any power or duty transferred to them from heretofore presentment sessions of making any presentment by making a proposal under this Order to the county council.

4.—(1.) A county council shall exercise or perform any power or duty transferred to them from a grand jury of making any presentment by passing a resolution at a quarterly meeting.

(2.) Where previously to the passing of the Act an application made and approved at heretofore or county at large presentment sessions was required before the making of a presentment by the grand jury, a proposal made in accordance with this Order either by a district council or a proposal committee (hereinafter mentioned) of the county council, as the case requires, shall be required before the passing of the resolution of the county council which takes the place of the presentment of the grand jury.

(3.) A single resolution of the county council approving a proposal of a proposal committee shall be a sufficient exercise or performance of the power or duty transferred to the council both from the grand jury and the county at large presentment sessions.

Applications.

5. A proposal under this Order shall not be made except upon an application made in accordance with this Order.

6. Applications shall be made—

(a) if it is intended that the cost of the work, or the payment, specified in the application is to be a county at large charge, to the county council; and

(b) if it is intended that the cost of the work, or the payment, specified in the application is to be a district charge, then

(i.) where it is intended that the charge is to be levied off a single district, to the district council of that district; and

(ii.) where it is intended that the charge is to be levied off two or more districts, to the district council of the district off which the larger portion of the charge is intended to be levied, or if the charge is to be levied equally off two or more districts, to the district council of any of those districts; and

(c) if the application relates to a public work and it is intended that the cost of the work is to be half a county at large charge and half a district charge, to the council of the district in which the work or the greater portion thereof is locally situate;

Provided that an application relating to any of the works specified in section fifty-six of the Grand Jurors (Ireland) Act, 1835 (or as respects the county of Dublin section fifty-three of the County Dublin Grand Jury Act (1844), shall, notwithstanding that the cost of the work is intended to be a county at large charge, be made to the council of the district in which the work is locally situate.

7.—(1.) Applications to a council may be made by any member of the council by means of notice of motion, and also, in the case of public works, by the county surveyor by means of the recommendations in the report hereinafter mentioned, and in the case of a payment, by the person claiming the payment by means of a notice in writing.

(2.) The notice of motion by a member of the council must be given as respects any quarter;

(a) if the application is to a rural district council, at least ten days before the day fixed by the county council for the first quarterly meeting in that quarter of any rural district council in the county; and

(b) if the application is to a county council at least thirty days before the quarterly meeting of the council in that quarter;

and where the application is to a rural district council, a duplicate of the notice of motion must be sent to the county council at the same time as the notice is given to the district council, and where it is intended that the charge for the work is to be levied off two or more districts, then to the district council of each of those districts to which the application has not been made.

(3.) A notice of application by a person claiming payment must be sent to the council at least the same period before the quarterly meeting as a notice of motion by a member of the council.

(4.) Every application must be accompanied by the following particulars—

(a) the matter in relation to which the application is made, specifying, if it is a work, or a payment, or any other matter; and

Making applications for proposals according to the terms of the Act of 1888, which the cost is intended to be levied off.

Notice of making applications.

- (b) where the application relates to a work or a payment the probable expenditure required for the purpose of the application; and
- (c) whether it is intended that the expenditure is to be raised as a county at large charge, or as a district charge, and in the latter case the district or districts off which it is to be raised.

6.—(1.) The county surveyor shall, not less than ten days before each quarterly meeting of the rural district council, make a written report to that council as to the condition of the public works in the district, the execution of the contracts respecting those works, and such further matters as appear to him desirable with a view to maintaining the public works in good condition and repair; and shall add to such report recommendations setting forth the proposals which he considers should be made by the district council at the said quarterly meeting, either for payments or otherwise, in respect of the maintenance of the public works in the district, and any such recommendation shall be accompanied by the same particulars as an application, and shall be deemed for the purpose of this Order to be an application.

(2.) The county surveyor shall as soon as may be after the applications to be considered at any quarterly meeting of the rural district council are made, examine the applications and before the meeting inform that council of his opinion with regard to such applications.

9. The county council and rural district council respectively shall cause to be published within their county or district a list of all applications made by notice of motion for new public works or involving new contracts as soon as may be after the last day for sending any such notice of motion to the council.

Consideration of Applications.

10.—(1.) The proposal committee may be either a committee specially appointed by the county council for the purpose of considering applications and formulating and submitting proposals thereon, or any other committee to whom any application is referred by the council, and may be a committee of the whole council.

(2.) A proposal committee to whom any application is referred shall hold a meeting for the purpose of considering that application on such day as may be fixed by the county council not more than twenty and not less than fifteen days before each quarterly meeting of the council, and any such meeting is in this Order included in the expression a quarterly meeting of the proposal committee.

11.—(1.) A rural district council and a proposal committee respectively shall at a quarterly meeting take into consideration all such applications as may be made to the rural district council or the county council as the case may be in accordance with this Order, and shall not formulate a proposal on any such application except at such a meeting.

(2.) The summons to attend a quarterly meeting of a rural district council or of a proposal committee shall comprise a list of all applications to be considered at the meeting, which are for new public works or involve new contracts.

12.—(1.) The rural district council shall hold their quarterly meetings on such days as the county council may determine.

(2.) The county council shall fix such days for the quarterly meetings of the rural district councils, and the rural district councils shall fix such days for any adjournments of those meetings, as will make it possible for the county surveyor or an assistant surveyor to be present at each such meeting or adjourned meeting.

13.—(1.) The district council and the proposal committee on the consideration of applications at each quarterly meeting may reject any application or adopt it, either wholly or in part or subject to any limit of expenditure or other conditions, or modifications as they may think fit.

(2.) Where at any such meeting the rural district council or proposal committee decide to adopt any application either in whole or in part, they shall cause a proposal to be formulated in accordance with their decision, and if the proposal is for the execution of a public work—

(a) shall decide whether the expense of executing the work should be defrayed by means of borrowing, and, if it is so decided, the number of years within which the money borrowed should be paid off, and shall cause their decision to be embodied as part of the formulated proposal; and

(b) shall cause the county surveyor to prepare plans and specifications, expressing the nature and extent of the work, the time within which the work is to be completed, and if the council or committee think fit the quantity and description of materials proper to be employed upon it, and such other particulars as the council or committee direct.

14.—(1.) Where any proposal formulated by the rural district council or proposal committee is for the execution of any new public work the probable expense of which, in the opinion of the county surveyor, will exceed fifty pounds, that council or committee shall adjourn the consideration of the proposal to a quarterly meeting held in the next quarter.

(2.) Any proposal, the consideration of which is so adjourned, is in this Order referred to as a provisional proposal.

(3.) The rural district council and the proposal committee, as the case may be, shall, at the meeting to which the consideration of any such provisional proposal has been adjourned, consider the plans and specifications prepared by the county surveyor, and also any other plans and specifications submitted to them for carrying out the work with regard to which the proposal is made, and may adopt any of those plans and specifications with such modifications as they think fit.

(4.) When the plans and specifications have been approved by the council or committee, the proposal shall cease to be a provisional proposal, and shall be dealt with as an ordinary proposal.

15.—(1.) In the first quarter of every local financial year, the county surveyor shall add to his report to each district council an estimate of the current road expenditure of the year, that is to say, of the amount which will be required during the year for the maintenance of the roads in the district in good condition and repair, including any amount to be levied off the district in respect of main roads or in respect of any road the cost of which is levied partly off any other district.

(2.) The rural district council shall at their quarterly meeting in the first quarter of the local

Proposals formulated on provisional local applications.

Provisional proposals for new works whose expense exceeds fifty pounds.

Provisional estimate of expenditure on roads.

financial year, consider such estimate, and cause their own estimate of such current road expenditure to be made out and submitted to the county council together with their list of proposals.

(3.) The county council before approving any proposals made in respect of roads by a rural district council, shall compare the cost, as estimated by the county surveyor, of carrying into effect such proposals with the estimate so submitted by the rural district council with the object of ascertaining that the approval of such proposals will not, having regard to the estimate, cause any excess of expenditure on roads above the limit allowed by section twenty-seven of the Act.

(4.) The county council before approving a proposal by the rural district council for any new road, shall be satisfied by the certificate of the county surveyor that the estimate submitted by the rural district council is reasonably sufficient to maintain the roads in the district in good condition and repair, and that the probable cost of such new road will not, when added to the cost of the said maintenance, cause any excess of expenditure on roads above the limit allowed by section twenty-seven of the Act.

(5.) For the purpose of this article, a new road includes any new bridge, pipe, arch, gullet, fence, railing, or wall forming part of a road.

Tenders.

18.—(1.) Where a proposal (other than a provisional proposal) is formulated by a rural district council or a proposal committee for the execution of any public work, that council or committee shall take steps for obtaining tenders for the work, and shall adjourn their meeting for the purpose to a day fixed by them, not being more than thirty or less than seven days after the day on which the adjournment is made.

(2.) The rural district council, so far as regards proposals formulated by them, and the county council, so far as regards proposals formulated by the proposal committee, shall, as soon as may be, cause notice to be published within their district or county of their readiness to receive tenders and also of the manner in which tenders must be made, and of the day by which they must be received, that day being some day previous to the day fixed for the adjourned quarterly meeting.

(3.) The rural district council or the county council, as the case may be, shall cause forms of tender to be prepared in accordance with the plans and specifications of the county surveyor and kept at the office of the council for delivery to any person wishing to send in a tender, and shall also cause the plans, specifications, and particulars prepared by the county surveyor with regard to the work to be open for inspection gratis at all reasonable hours at the office of the council.

17.—(1.) Every tender must be signed by the person making the tender, and enclosed in a sealed envelope, and must state

- (a) the lowest sum for which the person tendering is willing to contract for the performance of the work; and
- (b) the description and address of the person tendering; and
- (c) the name of the guarantor for the performance of the contract.

(2.) The guarantor shall be some sufficient company or society willing to guarantee the performance of the contract or, if it is a case in which

the council or proposal committee have in their notice of tender stated that sureties may be accepted, then either such company or society or two sufficient persons who are willing to be bound as sureties for the performance of the contract.

18.—(1.) The rural district council or the proposal committee shall at their adjourned quarterly meeting open and consider the tenders received in respect of proposals formulated by them.

(2.) The council or committee shall not accept any tender, unless—

- (a) the person tendering appears and satisfies the council or committee of the sufficiency of the guarantor and the willingness of the guarantor to give the guarantee; and
- (b) the person tendering satisfies the council or committee that the tender has not been made for any unfair or fraudulent purpose; and
- (c) the person tendering and the guarantor enter into security in accordance with this Order for the due performance of the contract;

(3.) The security for the due performance of the contract shall be—

- (a) Where the guarantor is a company or society, an instrument executed by the person tendering and by the company or society, securing in case of non-performance of the contract payment to the county council of such sum as the county council direct, not being less than the total sum payable under the contract; and
- (b) In a case where sureties are accepted, the joint and several bond of the person tendering and his sureties, conditioned in a penalty of double the sum mentioned in the tender as the sum for which the person tendering is willing to contract, or, if that sum exceeds one thousand pounds, of the sum so mentioned in the tender, with an addition of one thousand pounds.

(4.) Subject to compliance with the provisions of this article the council or committee may, at their discretion, accept the lowest or any other tender, or reject every tender.

(5.) The acceptance of any tender shall be provisional on the approval by the county council of the tender, as herein-after mentioned.

Consideration of Proposals.

19.—(1.) The rural district council and the proposal committee respectively shall as soon as may be, cause a list of the proposals formulated by them to be made out and submitted to the county council.

(2.) The list of proposals shall give, as regards each proposal, particulars—

- (a) respecting the matter for which the proposal is made (specifying whether it is for a work or for a payment or for any other matter); and
- (b) if the proposal involves the expenditure of money, respecting the sum authorized to be expended and any decision of the council or committee as to borrowing to meet the expenditure; and
- (c) if the proposal is for the execution of any work—

(i.) where a tender has been accepted, respecting the proposed contractor and

the terms of the contract, including the name and description of the guarantor ; and

(H.) where a tender has not been accepted, respecting the reason for no tender being accepted.

(3.) Proposals for new works, proposals for the maintenance of works, proposals for payment, and provisional proposals shall be placed in separate parts in the list of proposals ; and proposals relating to roads or payments in respect of roads shall be distinguished from proposals relating to other works or payments.

20.—(1.) The county council shall at each quarterly meeting consider all proposals (other than provisional proposals) which have been formulated either by the rural district council or by a proposal committee, but shall not formally consider any provisional proposals.

(2.) Subject to the provisions of this Order the functions of the county council in considering the proposals of a rural district council shall be limited to the approval or rejection of the proposals, and on the approval of any proposal the county council shall pass a resolution to the effect of the proposal.

(3.) Where the county council are willing to approve of any proposal of the rural district council if the proposal is modified but, not otherwise, they may if they think fit instead of finally approving or rejecting the proposal, refer the proposal back to the rural district council with a statement of the modifications required.

(4.) The county council may approve, reject, or modify as they think fit any proposal of their proposal committee, so that the modification does not cause any increase of expenditure, or may refer the proposal back to the same or any other proposal committee.

(5.) When a proposal is so referred back to a rural district council or proposal committee, they shall reconsider it at a quarterly meeting held in the next quarter, and may make in the proposal such modifications if any as they think fit.

(6.) Proposals so reconsidered shall be included in a separate part in the list of proposals with a statement of the modifications (if any) made in the original proposal.

(7.) Where the county council reject or refer back a proposal of the rural district council, they shall send to that council a statement giving the reasons for that rejection or reference.

(8.) The county council may adjourn the consideration of a proposal for a new work to their next quarterly meeting for the purpose of the preparation of plans or of further enquiry, or other special reason, but an adjournment under this provision shall not be made more than once.

21. The county council shall, as respects each half-year, cause to be made out, and as soon as may be publish within their county a statement showing separately—

(a) the proposals considered by them during the half-year and the manner in which they have been dealt with ; and

(b) all resolutions in relation to business transferred to them from the grand jury passed by them during the half-year otherwise than

on proposals, distinguishing the resolutions which under the laws for the time being in force it is imperative on them to pass.

Contracts.

22. All public works executed in pursuance of a proposal of the rural district council or proposal committee approved under this Order by the county council shall be executed by contract, except in cases where under the provisions of any Act or this Order works are given into the charge of or can be executed by the county surveyor.

23. Where an application is made for a proposal with regard to the repair of any road, the rural district council, or the proposal committee, as the case may be, shall consider whether it is not expedient to contract for that repair for a term of years, and may, if they think fit, make a proposal for such a contract for a period not exceeding seven years, and if such a proposal is made the form of tender shall be prepared in accordance therewith.

24.—(1.) Where at any adjourned quarterly meeting no tenders are received or accepted in the case of any work, a proposal for which has been formulated by the rural district council or proposal committee, that fact shall be noted in the list of proposals sent by the council or committee to the county council, and the county council may, if they approve the proposal, enter into a contract for the execution of the work proposed or, if no sufficient contractor can be found, give the work into the charge of the county surveyor.

(2.) The county council shall not, under this Article, authorise the expenditure of any larger sum on the work than that proposed by the rural district council or proposal committee, as the case may be.

25.—(1.) Where the county council approve any proposal of a rural district council or proposal committee for any work, and the rural district council or committee have accepted a tender for the work, the county council shall subject to the provisions of this article enter into a contract for the execution of the work, in accordance with the tender accepted.

(2.) Where the county council have referred a proposal for the maintenance of any work back to the rural district council on the ground only that they are dissatisfied with the tender accepted by the rural district council (including dissatisfaction with the guarantor), they may, if they think fit, proceed with the execution of the work as if the proposal had been approved, and for that purpose may put the work into the charge of the county surveyor until the proposal is ultimately approved.

(3.) Where the county council have referred any proposal back to the rural district council on the ground that they are dissatisfied with the tender accepted by the rural district council (including dissatisfaction with the guarantor), the rural district council shall on the reconsideration of the proposal take steps for obtaining fresh tenders for the work, and for that purpose proceed in the matter as in the case of an original proposal.

(4.) Where in consequence of the modifications made by the county council in any proposal of a proposal committee, it is found impossible to enter

Consideration
of proposals
by county
council.

Works to be
executed by
contract.

Contracts
for repairs to
roads or
term of years.

Provision for
cases where no
tender is
received.

Contracts in
accordance
with tenders.

Half-yearly
statement by county
council of business
transferred.

into a contract in accordance with the tender accepted by the committee, or where the county council approve of the proposed work, but not of the tender accepted by the proposal committee, the council shall refer the proposal back to a proposal committee, and that committee on the reconsideration of the proposal, shall take steps for obtaining fresh tenders in manner provided by this Order with respect to an original proposal.

(5.) If the proposal is for a work of maintenance, the county council may, if they think fit, put the work in the charge of the county surveyor until the proposal is ultimately approved.

(6.) The county council shall not, under this Article, authorise the expenditure by the county surveyor of any largeness on any work than that proposed by the rural district council or proposal committee, as the case may be.

(7.) Where any proposal for a work approved by the county council involves the borrowing of money, the county council shall not enter into any contract for, or otherwise proceed with the execution of the work, until the Local Government Board have sanctioned the borrowing of that money.

(8.) Where any proposal approved by the county council relates to any work to which section fifty-seven of the Grand Jurors (Ireland) Act, 1836 (or as respects the county of Dublin section fifty-four of the County Dublin Grand Jury Act, 1844), which relates to works on the boundary of two counties, applies, the county council shall not enter into any contract for, or otherwise proceed with the execution of the work, until they are satisfied that the provisions of the said section with regard to raising one half the expense of the work off the adjoining county or some district thereof have been complied with.

26.—A payment shall not be made to a contractor in respect of any public work unless the county surveyor certifies—

(a) if the payment is to be made before the completion of the contract, that the payment may be so made under the terms of the contract; and

(b) in any case that the work in respect of which the payment is to be made, has been executed in accordance with the contract;

and an application on the part of a contractor for such a payment shall not be considered unless the certificate of the county surveyor to that effect is produced to the rural district council or proposal committee, as the case may be.

27.—(1.) Contracts may provide for payments to a contractor—

(a) where the contract is for a work of maintenance and for a term of years, at any period not exceeding a quarter of a year, for work executed during that period; and

(b) in the case of any other contract, for the payment to the contractor of such proportion, not being more than eighty-five per cent. of the sums expended by him on the contract, as may be specified in the contract.

(2.) When no special provision is made by the contract in accordance with this Article, a payment shall not be made to a contractor until the completion of the contract.

Application of Order to County Boroughs and Urban Districts.

28. This Order (with the exception of the provisions thereof relating to the execution of public works by contract and the making of contracts and obtaining tenders therefor) shall apply within a county borough so far as respects any powers or duties in relation to any business transferred from a grand jury or presentment sessions to the council of the borough, either by the Act or by any previous Act, for which the rate or sanction of any court, judge, or recorder was required, and shall so apply as if the cost of the execution or performance of those powers and duties were a county at large charge.

29. This Order shall apply within an urban district so far as respects any works, the maintenance of which is partly leviable off the county at large and partly off the urban district (with the exception of roads, the entire maintenance of which is undertaken by the urban district council under sub-section six of section twenty-seven of the Act), and shall so apply as if the urban district council were a rural district council.

Procedure under section 82 (2) of the Act.

30.—(1.) The provisions of this Order with respect to a new work shall, so far as circumstances admit, apply to the stopping up or abandonment of an old road or public work.

(2.) The manner in which an objection by a ratepayer to a resolution of the county council to stop up or abandon an old road or public work is to be lodged shall be the sending of a written notice of objection to the county council and to the Local Government Board.

(3.) The time within which any such objection by a ratepayer is to be lodged shall be any time not later than the end of six months after notice of the said resolution of the county council has been published within the county.

General.

31.—(1.) Every meeting of the county council during the consideration of proposals under this Order, and of the rural district council or proposal committee during the consideration of applications under this Order shall be open to the public.

(2.) A reference to any quarterly or other meeting includes a reference to an adjournment of any such meeting.

(3.) Any power given by this Order to a county council to fix any meeting either of the district council or of a proposal committee, or to refer an application to a proposal committee, may be exercised by either a general or a special direction of the council.

32.—(1.) The county surveyor in the exercise of any powers or duties given by this Order shall conform with any directions that may be given him by the county council for carrying the Order into effect.

(2.) When the office of county surveyor is vacant, anything authorised or required by this Order to be done by, to, or before the county surveyor may be done by, to, or before any assistant surveyor of the county council, or, if there is no such assistant surveyor, any person appointed by the county council for the purpose.

Application to
county
boroughs.

Application
to urban
districts.

As to stopping
up or
abandonment of
old road or
public work.

Duties of
surveyor
except.

Payments on
contracts.

Time for pay-
ments on
contracts.

33.—(1.) The rural district council may make such arrangements as they think fit with respect to such printing as is required in connection with the business transferred to them from presentment sessions.

(2.) All printing required in connection with the business transferred to the county council from the grand jury or county at large presentment sessions shall be executed by contract, and tenders shall be obtained for such contract in like manner, so nearly as circumstances admit, as in the case of a public work;

Provided that if such printing is required in any exceptional case which is not comprised in any contract, and is outside the ordinary current business of the year, and is estimated not to amount to more than two pounds, the printing may be done without such contract, but the total cost of the printing so done in any one year shall not exceed twenty pounds.

34.—(1.) Where any notice or document is to be published under this Order, by any council—

(a) That notice or document shall be published by fixing copies of it in some conspicuous place on or near the outer door of the office of that council, and of every police station in the area within which it is to be published, and also at such other places (if any) as the council direct, and if the council think fit also by advertising it in any newspaper circulating within the said area, and

(b) the notice or document shall be open for inspection gratis, at all reasonable hours, at the office of the council.

35.—(1.) This Order shall not apply to any savings-busines of the county council other than the business transferred from the grand jury or county at large presentment sessions, as the case may be, except so far as any provisions thereof may be applied to such business by the standing orders of the county council.

(2.) Where the payment of a sum by any county council, or by the treasurer of such council or other officer of the council on behalf of the council is ordered by a judge of assize, or is required either to comply with any enactment, or to meet either a judgment or decree of any competent court, or an order for the payment or collection of any money made by the Lord Lieutenant in pursuance of any Act, nothing in this Order shall prevent the county council, if they think fit, from passing a resolution and ordering the payment of the sum of money at any meeting not a quarterly meeting, and without any proposal of a district council or proposal committee.

Given at the Council Chamber, Dublin Castle, this 30th day of January, 1898.

Ashbourne, C.	Morris.
William O'Brien.	John Atkinson.
Richard Martin.	W. J. Pirie.